AGENDA

Gainesville Retirement Plan A Board Meeting
Tuesday, April 10, 2018, 10:00 AM
Administration Building, Board Room
300 Henry Ward Way, 3rd Floor
Chairman or Vice Chairman Presides

UPDATES:

• Segal Actuarial Services Contract	David Frazier

NEW BUSINESS:

• Wells Fargo Authorized Signers	Denise Jordan

OLD BUSINESS:

• Actuarial Analysis of Benefit Changes	Malachi Waterman
• Joint & Survivor Option Divorce Consideration	David Frazier / Ed Emerson
• Parliamentary Procedure	Ed Emerson

EXECUTIVE SESSION:

- Personnel Matters

REGULAR BUSINESS:

• Executive Session Minutes: February 13, 2018 Meeting	Denise Jordan
• Minutes: February 13, 2018 Meeting	Denise Jordan
• Retirements	Janeann Allison
• Disbursements	Janeann Allison
• Option to Repay Contributions upon Reemployment Report	Janeann Allison

ADJOURNMENT:

Final: Monday, April 9, 2018, 8:30 AM

NEXT SCHEDULED MEETING
MAY 8, 2018, 10:00 AM

CITY OF GAINESVILLE

AGENDAREQUEST

Date Submitted: 4/6/2018

Presenter: David Frazier

Item of Business: Segal Actuarial Services Contract

Meeting Date: 4/10/2018

Purpose of Request:
The purpose of this request is to provide an update on the actuarial services contract with Segal Consulting Services.

History/Background:
The Segal contract expired in June 2017. A one year extension contract was executed.

Facts & Issues for Consideration:
The Board reviewed quotes for actuarial services and decided to continue its relationship with Segal. Segal submitted a five-year contract for consideration.

Department Recommendation:

Department Director:
David Frazier

If funding is involved, are funds approved within the current budget?
Yes

Amount Requested:
$31,600

Source of Funds:
RPA Fund

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
RPA Actuarial Services Contract	Resolution
RPA Actuarial Services Proposed Contract	Contract/Agreement/MOU

RESOLUTION BR-2018 - ___

RETIREMENT PLAN A ACTUARIAL SERVICES CONTRACT

WHEREAS, the Gainesville City Government maintains Retirement Pan A for traditional Civil Service employees in lieu of Federal Social Security; and

WHEREAS, in 2012, the governing body authorized the Retirement Board to enter into a five-year contract with The Segal Company to provide actuarial services for Retirement Plan A; and

WHEREAS, the contract with The Segal Company expired on June 30, 2017; and

WHEREAS, the contract provided an option to extend the agreement for two additional one-year periods upon mutual agreement by both parties; and

WHEREAS, The Segal Company and Retirement Plan A agreed to a one-year extension which expires June 30, 2018; and

WHEREAS, the Retirement Board has reviewed quotes for actuarial services and decided to continue its relationship with The Segal Company; and

WHEREAS, the Retirement Board recommends approval of the attached five-year contract with The Segal Company; and

WHEREAS, the cost of providing actuarial services for Retirement Plan A will be paid from the Retirement Plan A Fund.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes Retirement Plan A to enter into a contractual agreement with The Segal Company to provide actuarial services for Retirement Plan A effective July 1, 2018.

BE IT FURTHER RESOLVED THAT the City Manager and City Attorney are authorized to execute the contract.

Adopted this _____ day of __________________, 2018.

____

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

____

Denise O. Jordan, City Clerk

SEGAL COMPANY PUBLIC SECTOR CONSULTING AGREEMENT

This Agreement between The Segal Company (Eastern States Inc) ("Segal"), a New York corporation and The City of Gainesville, Georgia (the "City") is entered into as of July 1, 2018.

Accordingly, and in consideration of the mutual premises and provisions hereof, the parties hereby agree as follows:

1. DESCRIPTION OF SERVICES

Segal shall provide to the City the services described in the "Request for Qualification For Actuarial Services for the City of Gainesville" dated December 22, 2017 for City of Gainesville Retirement Plan A and Other Post-Employment Benefits plan (OPEB). The Proposal is annexed hereto as Exhibit "A" and shall be incorporated by reference as if fully set forth herein.

2. CHANGES IN SCOPE OF SERVICES

Any work requested by the City that is not included in Exhibit A, or any revisions of work requested by the City, shall be subject to a written agreement. Prior to performing any services not contemplated in the Proposal, the parties must reach agreement on the terms of the change(s) and signify their agreement in writing. Any such accepted change shall be attached hereto as an Exhibit to this Agreement.

From time to time, the City may request or Segal may propose in writing future services. If such proposal is accepted by the parties, then such additional services will be governed by the terms and conditions of this Agreement and any such proposal shall be attached hereto as an Exhibit to this Agreement.

3. RESPONSIBILITY OF CITY

A. Data Request. The annual actuarial valuation report, any required government filings and any required present value calculations and other reports or analyses of benefit and compensation programs require extensive data from the City. Segal will prepare a detailed data request outlining what is necessary to perform these services. Segal will also request the financial data required and any other data or information needed to complete its analysis, including a copy of the up-to-date plan provisions and any plan amendments. Data will be requested in a computer format compatible with Segal's computer system.

Upon receipt of the data, Segal will examine it for missing information and internal consistency. There may be additional fees based on hourly time charge rates to convert data not presented in the format requested and for the additional processing time required to reconcile data that contains errors, duplicate records or missing information.

B. Timely Provision of Information. City will ensure that its other professionals and vendors cooperate with Segal and provide the information requested or needed by Segal on a timely basis.

4. PAYMENT TERMS

A. Basic Annual Services. Segal's annual fee for providing the basic services described in Exhibit A will be as shown below, unless agreed to otherwise. Travel is included for up to two (2) meetings or trips annually. Additional meetings or trips will be billed at cost to the City. For each subsequent year of the contract, the fee will increase by 3.00% rounded down to the next $50.

Item	2018	2019	2020	2021	2022
Annual City Valuation	$26,000	$26,000	$26,000	$26,000	$26,000
GASB 67 & 68 Disclosures	$8,000	$8,000	$8,000	$8,000	$8,000
Employee Benefit Statements	$5,600	$5,600	$5,600	$5,600	$5,600
Five-year Experience Review	$27,500				
Biannual OPEB Valuation	$20,000	N/A	$20,000	N/A	$20,000
GASBS 74 & 75 Disclosures	$5,000	$5,000	$5,000	$5,000	$5,000

Routine expenses such as photocopying, telephone calls, facsimiles, mailing costs, and secretarial and word processing services are included in our fees. Unusual or unexpected expenses for the basic services will be discussed with the City and may be billed separately.

In the event we are required to spend significantly more time than anticipated because of circumstances beyond our control, we will inform you and bill separately for those services.

If this Agreement is terminated or authorized services or projects are suspended, Segal will be reimbursed for all time charges incurred to the date of termination or suspension, up to a maximum of the fee and travel expenses, incurred up to that date.

B. Supplemental and Specialized Consulting Services. Fees for Specialized Consulting Services and Supplemental Services generally will be charged on a time charge basis or, in some instances, may be charged on a project basis, upon written approval by the City. Segal will provide an estimate of such charges before the work is commenced. The time charges shall be based on Segal's time charge rates unless otherwise agreed to. Supplemental and Specialized Consulting Service charges will be billed monthly unless agreed to otherwise. Below are the current hourly rates for supplemental services. These are adjusted annually.

Position	2018	2019	2020	2021	2022
Consulting/signing Actuary	$385	$385	$385	$385	$385
Assistant Actuary	$335	$335	$335	$335	$335
Senior Actuarial Analyst	$275	$275	$275	$275	$275
Administrative Assistant	No charge				

5. NON-APPROPRIATION

Funding for this Agreement between the City and Segal is dependent at all times upon the appropriation of funds by the organization authorized to appropriate such funds. In the event that funding to support this Agreement is not appropriated, whether in whole or in part, then the Agreement may be terminated effective the last day for which appropriated funding is available.

6. TERM OF AGREEMENT

This Agreement shall be effective for a period of five years with an effective date of July 1, 2018. The Agreement may be renewed for subsequent one-year periods on the Fifth Anniversary of the Effective Date upon mutual agreement of the parties.

7. TERMINATION OF AGREEMENT

Either party may terminate this Agreement on thirty (30) days written notice to the other party. Segal will continue to provide services hereunder to the effective date of any such termination and will cooperate with the City to provide for an orderly transition of the Services to the City at the time of any such termination. Notwithstanding the foregoing, in the event that the City is not current in the payment of Segal's invoices at the time that such notice is given, then Segal may choose not to provide Services during the aforementioned thirty (30) day period. Segal will render final billing to the City after the date of any such termination, and the City will pay the same in accordance with Section 4.

8. PROFESSIONAL STANDARDS

All Services will be performed by competent personnel with the care, skill, prudence and diligence under the circumstances that a prudent consultant would use in discharging its services and in accordance with applicable professional standards. If any element of the Services does not conform to the foregoing, Segal will re-perform such element in a manner that does conform, except that if such re-performance is impracticable, Segal will refund the fees allocable to such nonconforming element.

9. INSURANCE

During the term of this Agreement, and for so long thereafter as necessary to cover events occurring during such term and the consequences therefrom, Actuary shall maintain insurance protection as required under this agreement to include (1) General Liability, (2) Statutory Workers' Compensation, (3) Excess / Umbrella Liability and (4) Auto Liability in the amounts listed on **Appendix A**.

Notwithstanding the foregoing, Actuary shall also secure one or more insurance policies from insurer(s) with A.M. Best ratings (5) Professional Liability ("Error & Omission Insurance") with coverage of at least ($3,000,000) per occurrence and in aggregate during any single year, which such E&O Insurance covering all Actuary's officers, directors, owners, members, partners, employees and agents performing Services and rendering deliverables pursuant to this Agreement.

All policies, except for the Workers' Compensation and Professional Liability, shall cover the City of Gainesville and its officers, trustees, employees and retirement plan board members as additional named insured with respect to liabilities arising out Actuary's performance in connection with this Agreement. Actuary shall furnish certificates of insurance to the City of Gainesville, prior to the commencement of performance of Services hereunder, and shall be responsible for furnishing updated certificates as timely and appropriate.

10. CONFIDENTIALITY

Both parties acknowledge that in the negotiation and performance of this Agreement, confidential and proprietary information of each has been and will be made available to the other. The parties agree to use reasonable efforts to maintain the confidentiality of such material, but in no event lesser than was used with like material of the receiving party and not to make any internal use of such material not required or permitted under this Agreement. Neither party will disclose the information to any third party without prior written authorization from the disclosing party. The information received by a receiving party will only be used by those of its employees, agents and consultants whose duties justify the need for access to the information provided and who have agreed to abide by the obligations of secrecy and limited use commensurate in scope with this Agreement. These obligations will apply to verbal information as well as specific portions of the information that are disclosed in writing or other tangible form and marked to indicate its confidential nature. These obligations will not apply to any of the information which:

i) Was known to the receiving party prior to receipt under this Agreement as demonstrated by the receiving party's records; or

ii) Was publicly known or available prior to receipt under this Agreement, or later becomes publicly known or available through no fault of the receiving party; or

iii) Is disclosed to the receiving party without restrictions on disclosure by a third party having the legal right to disclose the same; or

iv) Is disclosed to a third party by the disclosing party without an obligation of confidentiality, unless such information must be retained by that party for that party to fulfill its legal or agreement obligations under this Agreement; or

v) Is independently developed by an employee, consultant, or agent of the receiving party without access to the information as received under this Agreement; or

vi) The receiving party is obligated to produce as required by law, lawfully issued subpoena, or court order, provided that the disclosing party has been given notice thereof and if there is sufficient time, an opportunity to waive its rights to seek a protective order or other appropriate remedy.

vii) This Agreement shall be subject to The Open Records Act of the State of Georgia, O.C.G.A. §50-18-70, et seq.

To the extent that particular information is subject to specific statutory confidentiality requirements, the requirements of such statute, rather than this section, shall be controlling.

11. INDEPENDENT CONTRACTOR

Segal is an independent contractor. No provision of this Agreement or act of the parties hereunder pursuant to this Agreement will be construed to express or imply a joint venture, partnership, or relationship other than vendor and purchaser of the services. No employee or representative of Segal will at any time be deemed to be under the control or authority of the City, or under the joint control of both parties. Segal is liable for all workers' compensation premiums and liability, and federal, state and local withholding taxes or charges with respect to its employees.

12. SUBCONTRACTORS

Any subcontractors to be utilized on this project will be subject to the City's approval.

13. NO ASSIGNMENT

This agreement may not be assigned by either of the parties without the written consent of the other party.

14. FORCE MAJEURE

Segal will not be liable for any delay in performance or inability to perform due to force majeure, including without limitation any acts of God, acts or omissions of the City, major equipment failures, fluctuations or non availability of electrical power or telecommunications equipment, or other conditions beyond the control of Segal. If Segal's performance is delayed by force majeure, Segal will discuss the situation with the City and agree upon an extended period for performance. If an event of force majeure continues for more than thirty (30) days, either party may, at its option, terminate this Agreement and any Statements of Work thereunder. Segal will render a final billing to the City after the date of any such termination, and City will pay the same in accordance with Section 4.

15. THIRD PARTY BENEFICIARIES

This Agreement is for the benefit of the parties to the Agreement and does not confer any rights or privileges upon any third parties.

16. DISPUTE RESOLUTION

Notice. In the event that either party believes that the other party has not complied with its obligations hereunder, such party shall send written notice of such non-compliance to the other party. In the event that such other party does not cure such non-compliance within thirty (30) days of the date of such notice, then the party sending notice may avail itself of the terms of Section 7 above.

17. DAMAGES

In no event, whether based on contract, indemnity, warranty, tort (including negligence), strict liability, or otherwise, will either party, or any of their respective directors, officers, employees or agents, be liable for special, incidental, exemplary, punitive, consequential, or indirect damages, including without limitation lost sales, profits or revenue, or claims for such damages.

18. CONFLICT OF INTEREST

Segal hereby affirms that there are no relevant facts or circumstances now giving rise or which could, in the future, give rise to a Conflict of Interest. A Conflict of Interest means that because of other activities or relationships with other persons, Segal or its subcontractor is unable or potentially unable to render impartial assistance or advice to the City, or Segal's objectivity in performing the agreement work is or might be otherwise impaired.

If an actual or potential Conflict of Interest arises subsequent to the date of this agreement, Segal shall make a full disclosure in writing to the City of all relevant facts and circumstances. This disclosure shall include a description of actions that Segal has taken and proposes to take to avoid, mitigate, or neutralize the action or potential conflict of interest. Segal will continue performance of work under the agreement until notified by the City of any contrary action to be taken.

19. NON-DISCRIMINATION

Segal agrees: (a) not to discriminate in any manner against an employee or applicant for employment because of race, color, religion, creed, age, sex, marital status, national origin, ancestry or disability of a qualified individual with a disability; (b) to include a provision similar to that contained in subsection (a), above, in any subcontract except a subcontract for standard commercial supplies or raw materials; and (c) to post and to cause subcontractors to post in conspicuous places available to employees and applicants for employment notices setting forth the substance of this clause.

20. AUDIT OF SEGAL'S FEES

Upon reasonable notice and during normal business hours, the City reserves the right to audit or cause to be audited Segal's books and accounts with respect to fees and expenses under this Agreement at any time during the term of this Agreement and for three years thereafter except for confidential or proprietary information or trade secrets of Segal or any third party.

21. NOTICES

All notices, claims, and approvals given under this Agreement must be in writing and delivered in person, by first class or express mail or facsimile addressed as set forth below or such other address that a party gives by notice. Notice given in accordance with this subsection will be deemed given when received.

A. If to the City:
Mr. Bryan Lackey
City Manager
City of Gainesville
300 Henry Ward Way
Gainesville, Georgia 30501

Copy to:
Abbott S. Hayes, Jr.
City Attorney
300 Henry Ward Way
Gainesville, Georgia 30501

Denise Jordan, Retirement Plan A
City of Gainesville
300 Henry Ward Way
Gainesville, Georgia 30501

If to Segal:
Malichi S. Waterman
Consulting Actuary
2018 Powers Ferry Rd. Suite 850
Atlanta, Georgia 30339-7200

B. Copy to:
Margery Friedman
General Counsel
The Segal Company 333 West 34th Street
New York, NY 10001-2402

22. AMENDMENT OR MODIFICATION

No amendment or modification of this Agreement shall be valid or binding unless set forth in writing and duly executed by the parties hereunder.

23. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and it supersedes all prior oral or written agreements, commitments or understandings with respect to such matters.

24. SEVERABILITY

The invalidity, in whole or part, of any provision of this Agreement will not affect the remainder of that provision or this Agreement.

25. BUSINESS ASSOCIATE AGREEMENT

The parties, if required by law, shall enter into a business associate agreement, which shall be annexed hereto as Exhibit B.

26. WAIVER OF DEFAULT

Waiver by a party of any default by the other will not be deemed a waiver of any other default irrespective of whether such default is similar.

27. CONSTRUCTION OF LAWS AND JURISDICTION OF COURTS

This Agreement will be governed in all respects by the laws of Georgia, without regard to any conflicts of law principle, decisional law, or statutory provision which would require or permit the application of another jurisdiction's substantive law. This Agreement shall be deemed and executed in Gainesville, Georgia and shall be governed by and construed in accordance with the laws of the State of Georgia without regard to conflicts of laws provisions. Segal hereby submits to the jurisdiction of the Superior Court of Hall County, Georgia and will obtain and maintain an agent for service of process in the State of Georgia.

28. DULY AUTHORIZED SIGNATURES

For the City:

The undersigned, Bryan Lackey, is City Manager of the City of Gainesville Retirement Plan A and as such has been duly authorized by the City to sign this Agreement on behalf thereof.

For Segal:

The undersigned David A. Berger is Vice President of Segal and as such is duly authorized to sign this agreement in behalf thereof, thereby binding Segal to the provisions of this Agreement.

IN WITNESS THEREOF, the parties have executed this Agreement as of the date hereinabove set forth.

APPROVED AS TO FORM

CITY OF GAINESVILLE

____
Abbott S. Hayes, Jr.
Hulsey, Oliver & Mahar, LLP
City Attorney

By: __________________________________
Bryan Lackey
City Manager

Attest: ____________________________
Denise O. Jordan, City Clerk

CITY SEAL

THE SEGAL COMPANY (Southeast), INC.

______________________ ____________________________________
Date By

____
Witness

CITY OF GAINESVILLE

AGENDAREQUEST

Date Submitted: 4/5/2018

Presenter: Denise Jordan

Item of Business: Wells Fargo Authorized Signers

Meeting Date: 4/10/2018

Purpose of Request:
The purpose of this request is to update the authorized signers to address personnel changes related to Retirement Plan A.

History/Background:
Wells Fargo serves as the custodian for RPA. Authorized signers have access to the Commercial Electronic Office (CEO) portal. The Authorized signers list is reviewed at least once a year and updated as needed.

Facts & Issues for Consideration:
The Administrative Services Director and the Chief Financial Services Officer were asked to review the Authorized Signers Form. The updates are noted as follows:

1. Changes the job title and the staff member associated with the Retirement Manager permissions.
2. Deletes the Benefits Coordinator authorizations.

Department Recommendation:
Approve the Authorization Form.

Department Director:
David Frazier

If funding is involved, are funds approved within the current budget?
No

Amount Requested: **Source of Funds**:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
Current Authorized Signers Form 2017	Backup Material
Proposed Authorized Signer Form 2018	Backup Material

CITY OF GAINESVILLE RETIREMENT PLAN A

Authorized Signers Checklist

Classification	Board Chairman David Frazier	Chief Financial Officer Jeremy Perry	Administrative Services Director Janeann Allison	Retirement and Benefits Manager Delores Waithe	Payroll Specialist Jennifer Horner	Benefits Coordinator Linda Williams
Benefits Payments	X	X	X	**	**	
Distributions (Refunds)	X	X	X	**	**	
Quarterly Management Fee Payments	X	X	X	**	**	
Wires and Transfers	X	X	X	X	X	
Insurance Changes	X	X	X	X	X	X

SIGNATURE						

KEY

X Full priviledge to authorize transaction

** Inquiry priviledge only

Signatures and levels of authorization were approved on _________________ and remain in effect until further notice.

David Frazier, Board Chairman	Date
Jeremy Perry, Chief Financial Officer	Date
Janeann Allison, Administrative Services Director	Date
Denise Jordan, City Clerk/Secretary to the Board	Date

CITY OF GAINESVILLE RETIREMENT PLAN A

Authorized Signers Checklist

Classification	Board Chairman David Frazier	Chief Financial Officer Jeremy Perry	Administrative Services Director Janeann Allison	Retirement Manager Karen Rojas	Payroll Specialist Jennifer Horner
Benefits Payments	X	X	X	**	**
Distributions (Refunds)	X	X	X	**	**
Quarterly Management Fee Payments	X	X	X	**	**
Wires and Transfers	X	X	X	X	X
Insurance Changes	X	X	X	X	X

SIGNATURE					
Date					

KEY

X Full priviledge to authorize transaction

** Inquiry priviledge only

Signatures and levels of authorization were approved on _________________ and remain in effect until further notice.

Denise Jordan, City Clerk/Secretary to the Board

Date

CITY OF GAINESVILLE

AGENDAREQUEST

Date Submitted: 3/30/2018

Presenter: Malachi Waterman

Item of Business: Actuarial Analysis of Benefit Changes

Meeting Date: 4/10/2018

Purpose of Request:
To hear from the actuary their analysis of proposed benefit changes.

History/Background:
At a previous meeting the Board voted to have the actuary, Segal, to perform an analysis of a number of options involving changes to the Plan regarding Early Retirement penalties. The proposals were provided to Segal and Malachi Waterman will be at the meeting to report their findings.

Facts & Issues for Consideration:
Evaluate the report and decide if the Board wants to proceed with a recommendation to amend the Plan.

Department Recommendation:
Receive the report and consider its results.

Department Director:
David Frazier

If funding is involved, are funds approved within the current budget?
No

Amount Requested:
As determined by the actuary.

Source of Funds:
Plan Trust Fund

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
Actuary Presentation on Early Retirement Options	Powerpoint Presentation
Actuary Letter on Early Retirement Options	Cover Memo

City of Gainesville Retirement Plan A

Review of Early Retirement Options

April 10, 2018

Presented by:
Malichi Waterman, FCA, MAAA, EA
Consulting Actuary

Background

- **In January, 2018 The Board moved to evaluate the costs associated with modifying some aspects of the Plan for Participant’s hired after July 1, 2008**
  - Normal Retirement Age
  - Early Retirement Reductions

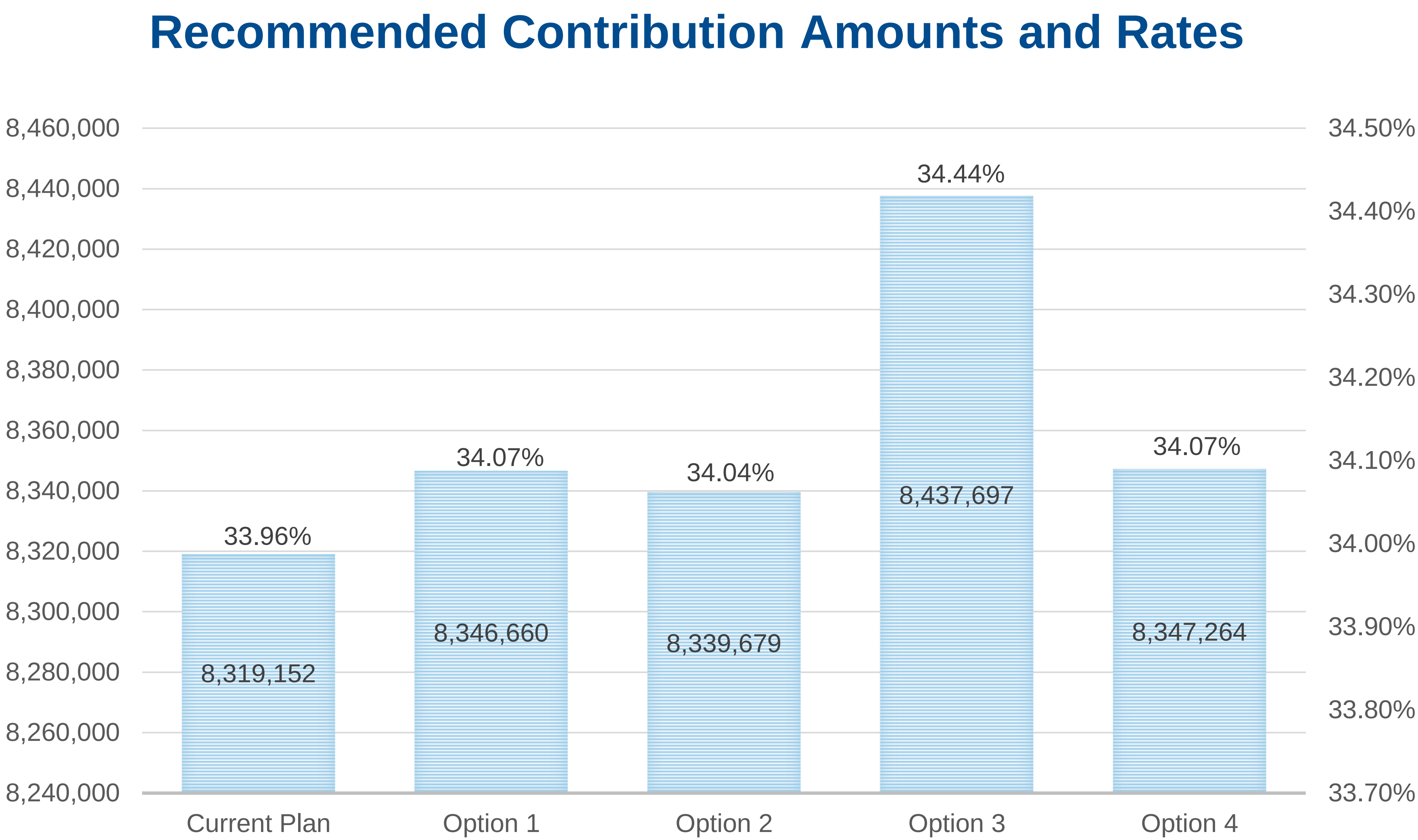
- **We have estimated the cost impact of each proposal**
  - Recommended Contribution
  - Effective Amortization Period
  - Based on July 1, 2017 actuarial valuation

Summary of Proposals

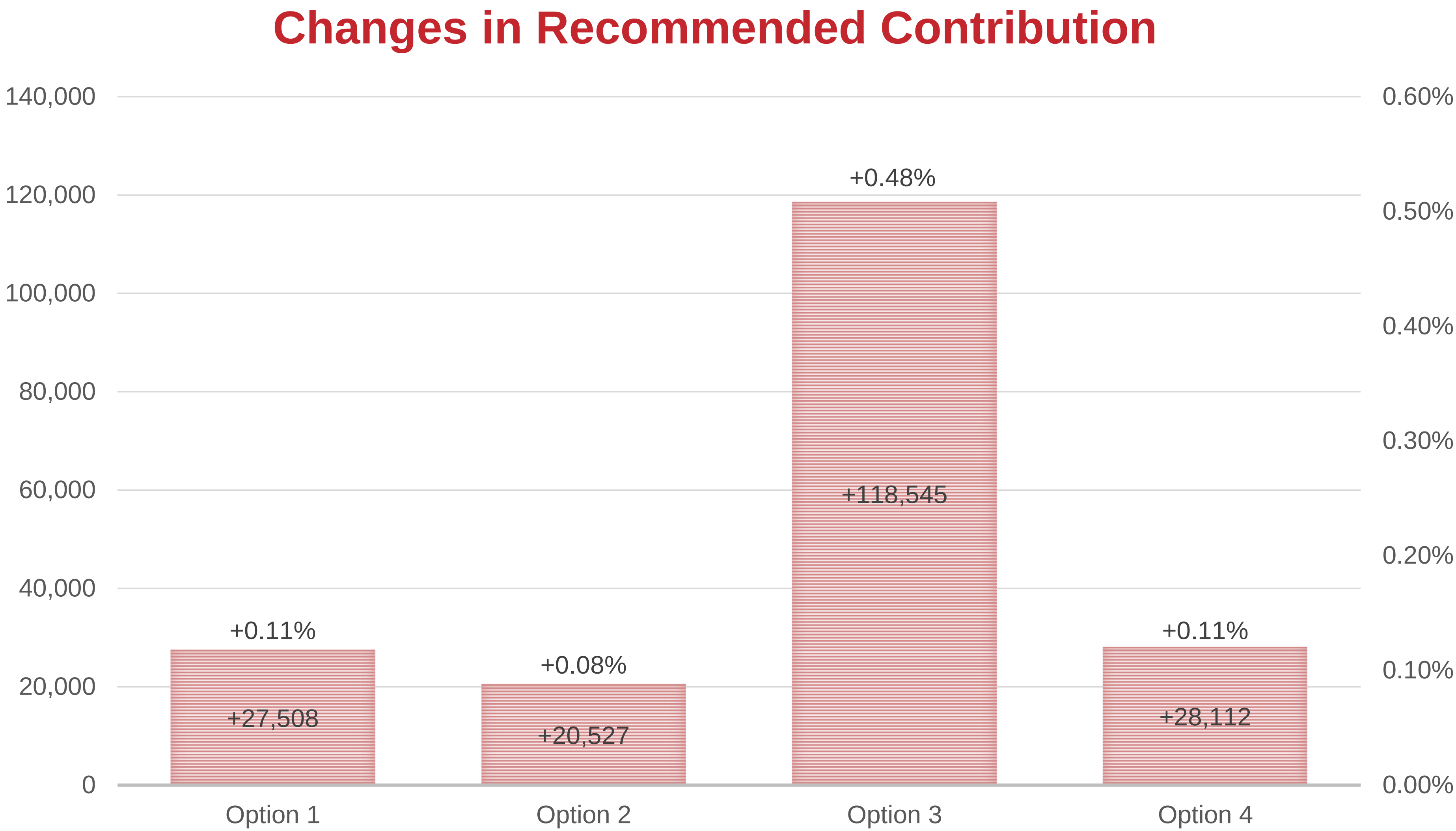
Alternative Benefits Considered for Public Safety and General Employees hired after July 1, 2008

	Current Plan	Option 1	Option 2	Option 3	Option 4
Early Retirement Reductions at 20 Years of Service (Any Age)	5.00% / Year	1.65% / Year	2.50% / Year		
General NRA 1	65 & 10			60 & 10	
General NRA 2	60 & 25			55 & 25	
Public Safety NRA 1	65 & 10			55 & 10	55 & 10
Public Safety NRA 2	50 & 25				

Estimated Costs



Estimated Costs (continued)



Additional Information

We evaluated the change in the Effective Amortization Period

- Increased from 23.0 to 23.3 years for Options 1, 2, and 4
- Increased to 24.4 years for Option 3

The calculations do not reflect possible changes in behavior due to the proposals

- Retirement rates are currently increased by 30% at the age when participant first becomes eligible for unreduced benefits
- This assumption is monitored each year and studied in detail every 3 to 5 years

The Small Print

- This presentation is intended for the use of interested parties of the Plan, and is a supplement to Segal letter, dated March 29, 2018.
- Please refer to the July 1, 2017 valuation report for a description of assumptions and plan provisions reflected in the results shown in this presentation. The report also includes more comprehensive information regarding the System's membership, assets, and experience during the most recent plan year.
- The calculations included in this presentation were completed under the supervision of Malichi S. Waterman, FCA, MAAA, EA.

Questions and Discussion

Thank You!

Segal Consulting

2018 Powers Ferry Road, Suite 850
Atlanta, GA 30339-7200
T 678.306.3119
Malichi S. Waterman, FCA, MAAA, EA
Consulting Actuary
mwaterman@segalco.com

www.segalco.com

Segal Consulting

2018 Powers Ferry Road SE Suite 850 Atlanta, GA 30339-7200
T 678.306.3100 www.segalco.com

March 29, 2018

Mr. David Frazier
Chairman
City of Gainesville Retirement Plan A
300 Henry Ward Way
Gainesville, GA 30503-2496

Dear David:

As requested, we are supplying the impact on plan funding requirements of valuing alternative plan of benefits for employees hired on or after July 1, 2008. The changes in plan design are outlined in Exhibit 1. This exhibit compares current plan provisions with 4 optional alternative plan provisions. These results are based on our valuation of the plan as of July 1, 2017.

	Total Cost	Total Change	Percent of Pay	Percent Change	Effective Amortization Period
July 1, 2017 Actuarial Valuation	$8,319,152	--	33.96%	--	23.0
Option 1	$8,346,660	$27,508	34.07%	0.11%	23.3
Option 2	$8,339,679	$20,527	34.04%	0.08%	23.3
Option 3	$8,437,697	$118,545	34.44%	0.48%	24.4
Option 4	$8,347,264	$28,112	34.07%	0.11%	23.3

Please contact me if you have questions about this study, or if any modifications are desired. I can be reached at 678-306-3125.

Sincerely,

Malichi Waterman

Malichi S. Waterman, ASA, MAAA, EA
Consulting Actuary

cc: Denise Jordan
Tommy Hunt

8689167v1/10417.008

Exhibit 1
City of Gainesville Retirement Plan A
Summary of Alternative Plan Provisions

ITEM	CURRENT PROVISIONS	OPTION 1	OPTION 2
Retirement	**<u>Employees hired prior to July 1 2008</u>** • Age 60/10 years with no reduction (if hired on or after age 55 participant is eligible for Normal Retirement after five years of participation) • Any age/25 years with no reduction • Any age/20 years with reduction (2% for each year by which the benefit commencement date precedes the Normal Retirement Date)	**<u>Employees hired prior to July 1 2008</u>** • No Change • No Change • No Change	**<u>Employees hired prior to July 1 2008</u>** • No Change • No Change • No Change
	<u>General Employees hired on or after July 1, 2008</u> • Age 65/5 years with no reduction • Age 60/25 years with no reduction • Any age/20 years with reduction (5% for each year by which the benefit commencement date precedes the Normal Retirement Date)	**<u>General Employees hired on or after July 1, 2008</u>** • No Change • No Change • Any age/20 years with reduction (1.65% for each year by which the benefit commencement date precedes the Normal Retirement Date)	**<u>General Employees hired on or after July 1, 2008</u>** • No Change • No Change • Any age/20 years with reduction (2.50% for each year by which the benefit commencement date precedes the Normal Retirement Date)
	<u>Public Safety Employees hired on or after July 1, 2008</u> • Age 65/5 years with no reduction • Age 50/25 years with no reduction • Any age/20 years with reduction (5% for each year by which the benefit commencement date precedes the Normal Retirement Date)	**<u>Public Safety Employees hired on or after July 1, 2008</u>** • No Change • No Change • Any age/20 years with reduction (1.65% for each year by which the benefit commencement date precedes the Normal Retirement Date)	**<u>Public Safety Employees hired on or after July 1, 2008</u>** • No Change • No Change • Any age/20 years with reduction (2.50% for each year by which the benefit commencement date precedes the Normal Retirement Date)

Exhibit 1, continued
City of Gainesville Retirement Plan A
Summary of Alternative Plan Provisions

ITEM	CURRENT PROVISIONS	OPTION 3	OPTION 4
Retirement	**Employees hired prior to July 1 2008** • Age 60/10 years with no reduction (if hired on or after age 55 participant is eligible for Normal Retirement after five years of participation) • Any age/25 years with no reduction • Any age/20 years with reduction (2% for each year by which the benefit commencement date precedes the Normal Retirement Date)	**Employees hired prior to July 1 2008** • No Change • No Change • No Change	**Employees hired prior to July 1 2008** • No Change • No Change • No Change
	General Employees hired on or after July 1, 2008 • Age 65/10 years with no reduction • Age 60/25 years with no reduction • Any age/20 years with reduction (5% for each year by which the benefit commencement date precedes the Normal Retirement Date)	**General Employees hired on or after July 1, 2008** • Age 60/10 years with no reduction • Age 55/25 years with no reduction • No Change	**General Employees hired on or after July 1, 2008** • No Change • No Change • No Change
	Public Safety Employees hired on or after July 1, 2008 • Age 65/10 years with no reduction • Age 50/25 years with no reduction • Any age/20 years with reduction (5% for each year by which the benefit commencement date precedes the Normal Retirement Date)	**Public Safety Employees hired on or after July 1, 2008** • Age 55/10 years with no reduction • No Change • No Change	**Public Safety Employees hired on or after July 1, 2008** • Age 55/10 years with no reduction • No Change • No Change

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 3/31/2018

Presenter: David Frazier / Ed Emerson

Item of Business: Joint & Survivor Option Divorce Consideration

Meeting Date: 4/10/2018

Purpose of Request:
To hear from the Plan Attorney on the issue of a Participant who has retired with a Joint & Survivor Option and became divorced and the possibility of removing the divorced spouse from the Option.

History/Background:
The Board raised this issue at a previous meeting. It was submitted to the Plan Actuary for an opinion as to the cost of amending the Plan Document regarding this issue. The actuary gave the opinion that the cost would not be significant, but raised the issue that there may be legal issues to consider. The issue was then submitted to the Plan Attorney for an opinion.

Facts & Issues for Consideration:
Whether there are legal obstacles to amending the Plan Document to allow the removal of a spouse from the Joint & Survivor Option of a retiree upon the occurrence of a divorce.

Department Recommendation:
Consider the advice of the Actuary and Attorney in determining if such an amendment is feasible and desired.

Department Director:
David Frazier

If funding is involved, are funds approved within the current budget?

Amount Requested: **Source of Funds**:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

	Description	Type
🗋	Joint & Survivor Option; Divorce, email text	Backup Material

TEXT OF EMAILS REGARDING JOINT & SURVIVOR OPTION; DIVORCE

Hi David,

I had a brief discussion with Rocky about this, regarding the potential cost of removing this provision. Assuming no legal hurdles, there are a few different ways to handle the change in optional forms.

• The first approach is to simply reset the benefit amount to the originally calculated Single Life Annuity for future payments only. This approach would not significantly affect plan costs, and would be very easy to administer.

• Another approach would be to recalculate the benefit as of the revocation date as an actuarial equivalent amount. This would not add a significant cost to the plan, either, but would require additional calculations at the time of the revocation, which would add administrative expenses.

• The pop-up option you mentioned is also reasonable in your case. In fact, as I understand it, this would have the same effect as using the first approach above, since the Plan states that the benefit will revert back to the normal form upon the death of the designated spouse. In fact, if fund counsel agrees the easiest way to deal with this may be to add language to Article VI Section 6.01. Specifically, where it says, "…upon the death of a designated Spouse…" modify it slightly to say something like, "…upon **revocation of the "Pop-up" option or** the death of a designated Spouse…"

Of course, with any of these approaches the "no revocation" language will also need to be removed.

Here are a couple additional concerns that have been brought to my attention, legally speaking. I would run these by fund counsel, as well.

• Does the designated Spouse have a property interest in the potential benefit, where he or she would need to agree to the revocation of the Joint & Survivor benefit?

• Is the benefit exempt from domestic relations orders? That is, could a divorce order require the retiree to keep the spouse on as a designated Spouse?

I hope this covers everything. Let me know if you would like to discuss.

Thank you,
Malichi

From: David Frazier [mailto:davfraz@bellsouth.net]
Sent: Wednesday, January 24, 2018 11:59 AM
To: Waterman, Malichi <mwaterman@segalco.com>
Cc: Jordan, Denise <djordan@gainesville.org>
Subject: City of Gainesville RPA; Joint and Survivor Option

Malachi,

The board had a question that I hope you can help us with. As we interpret it, the below section has the effect of prohibiting a Participant Retiree from removing a spouse from the Joint and Survivor provisions should they become divorced. If the Plan Document were amended to change this to allow removing a designated Spouse in the case of divorce, after pension payments commence, would there be a cost to the Plan? Would it be possible to accomplish this through something like the Pop-Up option that relates to the death of a Spouse? We understand that the Participant's pension is calculated based on the age of the Participant and the Spouse at the time of the designation under the Joint and Survivor Option.

Excerpt from Plan Document ***6.01 Optional Form of Benefit Payments****: After Pension payments have commenced, no future elections or revocations of this optional form shall be permitted.*

Thank you for your assistance.

David Frazier
Retirement Plan A, City of Gainesville, GA
Chairman

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 3/31/2018

Presenter: Ed Emerson

Item of Business: Parliamentary Procedure

Meeting Date: 4/10/2018

Purpose of Request:
To hear from the Plan Attorney on a previous written opinion that he provided the Board on the issue of Parliamentary Procedure.

History/Background:
At a previous meeting the issue of whether the Board should amend the Plan Document to provide that a certain Parliamentary Procedure, such as Robert's Rules of Order, be followed at meetings. The attorney gave a written opinion and upon review of this opinion it was requested that the Board have the opportunity to discuss this with the attorney.

Facts & Issues for Consideration:
Whether some requirement be established regarding Parliamentary Procedure at Board meetings.

Department Recommendation:
Consider the advice of the Plan Attorney on this issue.

Department Director:
David Frazier

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
Parliamentary Procedure; ATTY Docs1	Attachments/Exhibits
Parliamentary Procedure; ATTY Docs2	Attachments/Exhibits
Parliamentary Procedure; ATTY Docs3	Attachments/Exhibits

Hi David.

I do not think that the Plan Document should state the parliamentary procedures that are followed at meetings for the following reasons:

1. Generally, this type of formality for the Board is not specified in the official Plan Document.
2. If the procedure was specified in the Plan Document and the Board did not follow the procedure, then there would be a technical violation of the Plan Document.
3. This statement can be stated in Board policy.

There is no legal reason to formally specify the parliamentary procedures that will be followed at the meetings either. The Georgia's Open Meetings Act does not specify which parliamentary procedure a body should use. However, if the Board wants to specify the procedure used, I suggest putting it in a Board policy or bylaws (rather than the Plan Document).

For your information, if you want more information on parliamentary procedure, I have attached publications by GMA and ACCG.

Please let me know if you have any questions. Thanks.
Ed

Edmund Emerson III
Partner

Direct: 404-504-7677
eemerson@mmmlaw.com
1600 Atlanta Financial Center
3343 Peachtree Road, NE
Atlanta, GA 30326

From: David Frazier [mailto:davfraz@bellsouth.net]
Sent: Wednesday, January 24, 2018 10:38 AM
To: Edmund Emerson
Subject: Parliamentary Procedure

Hi Ed,

Could you advise the board on this question that was raised at our last meeting: Should we have a provision in the Plan Document that states what parliamentary guidelines will be followed at meetings (ie. Roberts Rules of Order)? If such a statement is advisable, could it be accomplished by a board policy rather than an amendment to the Plan Document?

Thank you,

David Frazier
Chairman, Retirement Plan A
City of Gainesville

Parliamentary Procedure

A Guide for City Officials

Georgia Municipal Association
June 2007

Introduction: The Purpose of Procedural Rules

The rules of parliamentary procedure are intended to help organizations and other large bodies conduct business efficiently and fairly. Historically, the rules allow healthy debate and discussion while controlling who speaks and when so that decisions are made in an orderly and timely fashion. Legislative bodies in particular have a lot of work to accomplish, and the rules of parliamentary procedure should alleviate problems and assist officials in accomplishing their tasks and goals. Most clubs, organizations, and other bodies across the United States have adopted Robert's Rules of Order, as it is the most widely accepted procedure guide.

For local governments, however, the procedural rules often bring an even more daunting obstacle than the duties themselves. While Robert's Rules may be effective to assist in the orderly conduct of large groups, it may become unwieldy for smaller bodies of people, in particular local legislative bodies. It may cause confusion, waste time, and even cause legitimate actions of the mayor and council to be invalidated on technicalities. This publication is intended to serve as a guide to municipal governments for simplified procedures to follow in the course of a council meeting. While there are various laws requiring meeting notices, open meetings, and agendas, this publication only covers suggested procedures for efficiently conducting a council meeting. The commentaries provide additional guidance.

The following rules, with a few alterations to meet the needs of the city, may be adopted as Standard Operating Procedure for the conduct of council meetings. For a quick summary of the most common motions used by a municipal body, see **Motions at a Glance** on page 5.

For more information regarding parliamentary procedure for local governments, see Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century[1], or Suggested Rules of Procedure for Small Local Government Boards[2]. For information regarding Open Meetings and Records, see the GMA publication Government in the Sunshine: Open Meetings/Records Guide for City Officials (Sixth edition, 2004); and the Georgia Open Meetings Act and Open Records Act, starting at Code Sections 50-14-1, 50-18-70 of the Official Code of Georgia Annotated, respectively.

[1] Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century, available at http://www.cacities.org/resource_files/22486.ParliamentaryRevised.pdf (hereinafter "Rosenberg's Rules").

[2] A. Fleming Bell, II, Suggested Rules of Procedure for Small Local Government Boards, 2nd Ed., 1998.

Basic Guidelines

1. **Getting the Floor**

When an individual member of the legislative body wishes to make a motion, the chair must first recognize the individual's right to speak.[3] The individual may then make the motion, beginning with the phrase, "I move…".[4] Typically a second is then required; however, the council may choose in its adoption of parliamentary rules whether or not to require a second. The original purpose of the second was to assure minimum support for the issue, and theoretically on a local council, if even one member has interest then there is sufficient interest for the proposal to go forward. Keep in mind, however, that the second can be a useful tool, especially with larger councils. First of all, on a larger council, one member represents a smaller percentage of support for the motion, so the original purpose of the second may be invoked—to assure sufficient support of the issue. Further, on any size council the second can help to curb the forced consideration of an issue in which only one member shows interest. Without the use of a second, there is the potential for one member to repeatedly propose an issue that the rest of the council finds irrelevant. Thus, although not required, a second is highly suggested, especially in the case of large councils.

2. **Discussion and Debate**

After the motion (and second, if the council so chooses), the presiding officer repeats the motion and opens the floor to discussion of the motion.[5] The maker of the motion speaks first, and the presiding officer allows proponents and opponents to alternate speaking if possible. A member who has not yet spoken has precedence over those who have already voiced an opinion.[6] The presiding officer has the authority to end discussion if it becomes too personal or too longwinded.

3. **Limits on Motions**

The various procedural motions available are explained under the "Motions At a Glance" section. A procedural motion is one that governs the way the meeting is conducted, whereas a substantive motion is a motion on a particular topic or issue. A member may only make one motion at a time. Ratification of an act is considered a substantive motion.[7]

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[3] Rosenberg's Rules, *supra* note 1, at 2.

[4] *Id.*

[5] *Id.*

[6] Bell, *supra* note 2, at 15.

[7] *Id.* at 15.

Up to three motions (one substantive, two procedural) may be on the floor at one time; for example, one substantive motion and two motions to amend.[8] While two substantive motions may not be pending at the same time, multiple procedural motions may be on the floor if the rules discussed in "Motions at a Glance" so allow.[9] When multiple motions are on the floor, the last motion made should be the first voted on.[10] See motions to amend under "Motions at a Glance" for more detail.

4. **Voting Requirements**

A quorum is necessary to conduct business and is generally defined as a majority of the membership of the council. Unless otherwise provided by the city's charter, the council may decide whether to exclude vacant seats for purposes of determining quorum, as well as whether or not to count the chair. Typically, boards decide to count in quorum a member who leaves a meeting without being excused by majority vote of the other remaining members, but the charter may contain a definition of quorum or specific voting requirements. Thus, the charter must first be consulted by the city in setting its voting requirements.

Just as the council has the power to choose whether to include the presiding officer in attaining a quorum, they may also be able to decide whether or not he or she votes always or only to break a tie. Again, the charter usually controls this, so the requirements in the charter will govern this section of the procedural rules. If someone fills in for the presiding officer, that individual votes as he or she normally would, regardless of the rules governing chair voting unless the charter provides otherwise.

5. **Passing a Motion**

If a quorum is present, the chair can take a vote by asking for the "ayes" and "nays".[11] Approval of a motion is generally attained by a majority vote (more than half) of all the votes cast when quorum is present, but the charter again should be consulted, as it may provide otherwise. The council may choose to require a 2/3 or other supermajority approval vote for certain motions that tend to curb the rights of individuals to voice their opinions or make motions.

Further, in the case of a motion to suspend the rules, a unanimous vote may be needed for certain actions, such as having both the first and second reading of an item in the same meeting when two separate meetings are typically required. Abstention should be disallowed except in cases where a conflict of interest exists.[12] Otherwise, it may be used improperly to cripple the council. Although it is highly discouraged, however, a council does have a choice to allow abstention. The charter should delineate how an

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[8] Rosenberg's Rules, *supra* note 1, at 3.

[9] *Id.* at 13-14.

[10] *Id.*

[11] Rosenberg's Rules, *supra* note 1, at 4.

[12] Laurel E. Henderson, Vagaries of Voting: The Oblique Approach (unpublished paper); 2000 GMA City Attorneys Section Seminar.

abstention is to be treated. When there is not a roll call vote and the minutes do not reflect the names of the members voting against a proposal or abstaining, state law provides that the action taken is presumed approved by each person in attendance.[13] After the vote, the chair should declare the results of the vote.

6. **Amending Procedure Rules**

The council also needs to provide a process for amending its procedural rules. It is suggested that amendments to parliamentary procedure be allowed at any regular meeting or a special meeting called for that purpose, and that adoption occur upon approval by a majority of a quorum.

[13] O.C.G.A. § 50-14-1(e)(2) (2006).

Motions at a Glance

The following are procedural motions that may be needed by a city council in order to conduct its business. They are presented in descending order of precedence.

As a side note, included in this example are motions that are rarely, if ever, used. For example, the motion to divide a complex issue and consider it by paragraph, discussed below, should only be used in the most complex, confusing situations, and motions to refer to committee are unnecessary in a city that does not use committees. In adopting procedural rules, the council may thus choose whether or not to include such motions. A word of caution about exclusion, however; unforeseen situations may arise where such motions are needed, and it is sometimes easier to let a procedural motion sit on the books unused than to go through the process of adding it to the rules.

However, if the council feels the presence of a rarely-used motion may cause unnecessary confusion, the amendment process discussed above is fairly simple and would allow a motion to be added if such a contingent circumstance arose. For example, if the motion to divide and consider by paragraph was not in the rules and a very complex motion was made, the speaker may withdraw the motion, allowing the council to amend the procedural rules to include a motion to divide. Then the motion may be renewed and the council may move to divide it into simpler pieces. The decision to include some of the less-known motions discussed below thus lies with the council.

- **Motion to appeal the procedural ruling**:[14] A speaker may be interrupted for the purpose of making this motion, which arises when the presiding officer (typically the mayor or mayor pro tem) has ruled a motion in or out of order or made some other procedural decision with which the speaker disagrees. The ruling is appealed to the council and thus requires a majority vote under guidelines typically provided in the charter.

  <u>Commentary</u>

  The motion to appeal may be made only at the time that the procedural ruling is made. Because it must occur so immediately, it takes the highest precedence of the procedural motions. The member of the body making the motion may speak without being recognized, and the motion may not be ruled out of order.

- **Motion to adjourn**:[15] This motion proposes the meeting end and takes precedence over all other motions discussed below if it passes. It may not be made during the discussion of a pending substantive issue and may only be brought by an individual after he or she has been recognized by the chair to have the floor.

[14] Bell, *supra* note 2, at 16.

[15] *Id.* at 17.

Commentary

The council may still choose to adjourn without deciding a pending substantive matter; however, one of the below-mentioned motions must be used. There is no debate on the motion to adjourn, so after the motion and second a vote must be held.[16]

- **Motion to recess or adjourn to a time and place certain**:[17] This motion also proposes an end to the meeting and takes precedence over all the motions below if it passes.

  Commentary

  However, unlike the motion to adjourn, it may interrupt the discussion of a pending substantive issue. Thus, this motion can be used by the council if they want to stop the meeting before a final decision is made on a substantive motion.
- **Motion to take a brief recess**:[18] This motion proposes a break in the meeting and is subject only to an amendment as to the length of the break.

  Commentary

  This motion may be made at any time except when one of the motions above is pending. The presiding officer, however, may call a brief recess at any time without a motion. There is no debate on this motion.[19]

- **Call to follow the agenda:[20]** This motion attempts to steer the council back on course if they deviate from the agenda. If it is not raised the first time they stray from the agenda, the motion is waived and unavailable.

  Commentary

  The speaker may be interrupted for this motion, and it may be debated, as there may be limited times when deviation from the agenda is necessary.

- **Motion to suspend the rules:** This motion allows the council to do things that are legally allowable but may violate the council's **own** rules. (Rules imposed by state law or the charter cannot be suspended).

  Commentary

  The motion to suspend the rules is debatable and amendable.[21] It is available to give the council more flexibility and to reduce needless formalities. This may be another situation where a 2/3 vote or other

[16] Rosenberg's Rules, *supra* note 1, at 3.

[17] Bell, *supra* note 2, at 17, cmt.

[18] *Id.* at 17.

[19] Rosenberg's Rules, *supra* note 1, at 3.

[20] Bell, *supra* note 2, at 18.

[21] Rosenberg's Rules, *supra* note 1, at 4.

supermajority should be required, as it is an effort to override existing rules. The rules are in place for a reason, so the higher percentage of support may prevent the rules from being suspended in order to infringe on an individual's right to voice an opinion or vote his or her conscience.

- **Motion to go into closed session**:[22] This motion coincides with the law regarding Open Meetings in O.C.G.A. § 50-14-1 et. seq. If during a meeting the council needs to go into closed session for one of the limited purposes listed in the statute, a member may make this motion to go into closed session.[23]

- **Motion to leave closed session**:[24] This motion allows the council to return from a closed session into an open meeting, either to conclude any business or simply to adjourn the open meeting.

- **Motion to divide a complex issue and consider it by paragraph**:[25] This motion allows debate and discussion, amendments, and voting to occur on a large issue in smaller increments.

  Commentary

  As a word of caution, this motion should be used only in the case of long motions or complex issues where confusion is possible. For example, if the city designated money in the budget to fund a new park and there was opposition to the park, there may be a motion to divide and vote on that budget item instead of the budget as a whole. Then, if the park funding was approved, the budget could be considered. If the park funding failed, the budget could be amended and then voted on.

- **Motion to defer consideration/Motion to Table**:[26] These motions allow the council to leave the decision on the issue for another day. Consideration of a motion may be deferred to a specified date and place or indefinitely.

  Commentary

  It is suggested to set a time limit for the motion to expire if not revived, perhaps 90 days.[27] At expiration the issue is automatically off the

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[22] *Id.* at 18-19.

[23] For more information, *see* GEORGIA MUNICIPAL ASSOCIATION, GOVERNMENT IN THE SUNSHINE (6th ed. 2004).

[24] *Id.* at 19.

[25] *Id.*

[26] *Id.*; Rosenberg's Rules, *supra* note 1, at 3.

[27] Bell, *supra* note 2, at 19.

table and no motion is required to dispose of it. After expiration, however, the motion may be made anew. The motion is debatable and amendable.[28]

- **Motion to end/limit debate (Move the previous question)**:[29] This motion allows a member to suggest that discussion end and voting occur.

  Commentary

  This motion is not in order until all members have had the opportunity to speak at least once. The council may also choose to impose a minimum time requirement before a motion to end debate is made. For a typical 3 to 5 member board, 15 minutes may be ample time for discussion of one motion and to allow each member a chance to speak, whereas more time is likely needed for a larger council. These times are completely arbitrary, however, and the council may choose to set whatever time it deems appropriate, or to set no time limit at all. When made, this motion is not debatable, but is again a good candidate for a 2/3 or other supermajority vote requirement.[30]

- **Motion to Refer a Motion to a Committee**:[31] If the council believes it would be better served to let a committee first consider the substantive motion, it may move to refer to committee.

  Commentary

  When the committee reports to the council on the issue, a second is not required, whether it is generally required or not. The individual who made the substantive motion may compel consideration of the issue to the entire council if the committee has not reported back within a specified period of time, such as sixty days. If the council does not use committees, this motion is unnecessary. This motion, if used, is both debatable and amendable and requires only a majority vote.

- **Motion to amend**:[32] This motion must be related to the subject matter of the original motion and may not be phrased in a way that is contrary to the original motion.

  Commentary

  If passing the amended motion would defeat the original motion, the amendment is disallowed, but this is interpreted very narrowly; only amendments that explicitly reject the original motion are prohibited. Up to two amendments may be on the floor at one time; the first motion to

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[28] Rosenberg's Rules, *supra* note 1, at 3-5.

[29] Bell, *supra* note 2, at 20; Rosenberg's Rules, *supra* note 1, at 4.

[30] Rosenberg's Rules, *supra* note 1, at 4.

[31] Bell, *supra* note 2, at 21.

[32] *Id.*

amend changes the original motion, and the second motion to amend must relate to the first amendment.

After a motion to amend is made, only that motion may be debated, and the original motion is not discussed until the disposition of the amendment. Motions to amend must then be voted on in reverse order as needed; the second motion to amend will be voted on, then the first motion to amend, then the original motion if necessary.

Discussion and debate are important for everyone to voice their opinions and come to a consensus, so it is best practice for complete debate and discussion to occur before motions to amend are made. This is not always necessary, however, such as in the case of short, technical amendments.

When there is opportunity for confusion, it is best practice to put the amendments in writing. To the extent that the community has the ability, complex amendments should be subjected to writing for even the public audience, perhaps by projection, flip chart, or photocopies. In the case of long or complex documents, a motion to divide the complex issue (described above) may be used, but it should be used sparingly.

If a motion to divide is made, there may be no more than two motions to amend on each paragraph, and voting will follow the order discussed above. Only after all the motions on the paragraph have been resolved may the next paragraph be open for motion and discussion.[33]

- **Motion to revive consideration**:[34] This motion allows the council to consider a tabled or deferred issue before it expires under the time specified above under motion to defer consideration.

  Commentary

  The motion may be debated and amended. If this motion doesn't occur within the specified period, the issue expires and may be brought up only on a new motion.

- **Motion to reconsider**:[35] This motion allows an issue considered earlier in the meeting to be reconsidered.

[33] "Substitute motions" are sometimes used when the suggested changes may potentially have a major effect. The council may choose to still use substitute motions; however, in the interest of simplicity and to avoid confusion, all proposals for changes, regardless of their potential consequences, are deemed "motions to amend".

[34] *Id.* at 22.

[35] *Id.* at 23.

Commentary

The motion may only be made by someone who voted with the prevailing side and must occur in the same meeting as the original vote, with a meeting continued by adjournment to a time and place certain being considered the same meeting.[36]

- **Motion to prevent reconsideration**:[37] A defeated motion may be reintroduced at later meetings. This can be prevented for a specified period of time set by the council, perhaps six months, through a motion to prevent reconsideration.

  Commentary

  This motion must occur immediately after the original motion is defeated and must be approved by a majority, but the council may choose to set it at 2/3 of the members because it limits the ability to bring motions. The only way this motion may be overcome is through a motion to suspend the rules. This motion may seem unnecessary since an issue that only one councilmember has interest in can often be avoided by simply requiring a second.

  However, each time the motion is repeated, time is wasted, so in a situation when the issue is clearly not considered important, a motion to prevent reconsideration can help avoid potential problems. Under Georgia state law, defeated zoning proposals may not be considered for at least six months[38]; likewise, it makes sense to prevent reconsideration of defeated issues for a similar period.

- **Withdraw the motion**:[39] The person who made the motion may interrupt the speaker to withdraw his or her motion at any time during discussion or before it is amended, whichever comes first.

  Commentary

  In the case of motions to amend, they may be withdrawn only by the person making the motion to amend and only in the order in which they may be voted on (reverse order, beginning with the amendment to the amendment). The motion is deemed automatically withdrawn upon a motion and a second; no vote is needed.

[36] Rosenberg's Rules, *supra* note 1, at 4.

[37] Bell, *supra* note 2, at 23.

[38] O.C.G.A. § 36-66-4(c).

[39] Bell, *supra* note 2, at 24; Rosenberg's Rules, *supra* note 1, at 5.

Decorum

The above motions represent the vast portion of procedures needed so that the legislative body may function. However, it may occasionally be necessary to interrupt a meeting for a reason aside from what is going on in the meeting, such as the temperature of the room or noise outside; the "points" discussed below may be used to get the floor in those situations.

- **Point of inquiry**:[40] An individual may raise a point of inquiry if a simple clarification of a motion is needed. The individual must first be recognized by the presiding officer. This point should be used sparingly and only in the case of confusion as to the intent or substance of a motion.
- **Point of privilege**:[41] The speaker may be interrupted before he or she finishes her motion or issue by a "point of privilege". Points of privilege are used if an individual needs to interrupt for a reason that is unrelated to the issue at hand but that may interfere with the general atmosphere of the meeting. An interruption that a door should be closed because of outside noise would be an example.
- **Point of order:** An individual may also interrupt the speaker because the meeting is being conducted inappropriately in some way. For example, if a third motion to amend is made, and only two are permitted, the individual would say "point of order", and the presiding officer would then say "state your point".

In the interest of orderly and efficient meetings, the council may choose to implement some discretionary rules on decorum into their procedure guide. When implementing such rules, it is important to respect the First Amendment rights of citizens to free speech and to petition the government for redress of grievances. However, the courts have repeatedly recognized that these rights are not absolute and do not provide individuals license to disrupt government operations. Notably, the right to petition does not include the right to participate in all open government meetings and the right to free speech is only violated when the restricted speech is constitutionally protected and the government's justification for the restriction is insufficient.[42] Thus, a city council can limit public participation in council meetings to required public hearings. However, the better practice is to designate some portion of each public meeting for time-limited comments by members of the public on matters that are relevant and within the authority of the body being addressed. A countervailing concern is that to allow members of the public to comment on each agenda item as it is considered and allow the same members of the public to continue to address the council or commission throughout the meeting essentially allows these non-elected individuals to participate in debate as members of council.

[40] Rosenberg's Rules, *supra* note 1, at 5.

[41] *Id.*

[42] See Perry Education Ass'n. v. Perry Local Educators' Assn., 460 U.S. 37 (1983); Scroggins v. City of Topeka, 2 F.Supp.2d 1362 (D. Kansas 1998)

When a city council permits public comment on agenda items or other matters directly relevant to city business, the council has created a designated public forum and it may enact content-neutral time, place and manner restrictions on speech and expressive conduct which are narrowly drawn to achieve a significant government interest and allow sufficient alternate channels of communication.[43] A city council should consult and work with their city attorney to draw up meeting guidelines that are constitutionally sound but responsive to the need to conduct orderly meetings and conserve public resources.

- **Time Limit on Speakers**: This helps to keep discussion of issues timely and on point. Also, if a time limit is established in advance and applied consistently, it is less likely that an individual will feel personally attacked if he or she is asked to yield the floor at the end of the allotted time. The legislative body may choose to apply the limit to elected officials only or to both officials and members of the public as well. The body may also choose to not allow public comment except in the limited circumstances mandated by Georgia law, such as zoning and budget hearings.[44]
- **Politely addressing council and citizens**: A policy on respect for the council and citizens may also help meetings to be more orderly and productive. Such a policy may require individuals to refrain from using the public meeting as a forum for rude, slanderous or disruptive personal attacks on others, and may allow the chair to take the floor away from individuals who act unruly.[45] Individuals may further be prohibited from private discourse or other distractions, and any such acts may be stopped by the residing officer.[46]
- **Focus on relevant matters.** The council can adopt a policy limiting public comment to matters that are on the agenda for consideration or, more broadly, to matters that are directly related to the business of the body being addressed. The policy may also prohibit redundant or repetitive comments to save time and provide time for a variety of viewpoints.
- **Abstention**: As stated earlier, cities are strongly encouraged to adopt a policy prohibiting abstention in the absence of a conflict of interest. Otherwise, it is possible that abstention could be abused to strategically cripple a council or otherwise impair the conduct of business. A city may choose to require all those

[43] Id.; see City of Madison, Joint School Dist. v. Wisconsin Employment Relations Comm'n., 429 U.S. 167 (1976); Jones v. Heyman, 888 F.2d 1328 (11th Cir. 1989).

[44] *See also* O.C.G.A. § 36-66-4 and 26-66-5 (public hearing for zoning decision and each side gets 10 minutes); O.C.G.A. § 36-72-7 (public hearing regarding development of abandoned cemeteries); O.C.G.A. § 36-81-5 (public hearing regarding budget); O.C.G.A. § 36-73-2 (public hearing regarding proposed contracts for regional facilities); O.C.G.A § 36-90-3 (public hearing regarding cable franchises).

[45] *Id.*

[46] RULES OF PROCEDURE, NEW MEXICO MUNICIPAL LEAGUE (unpublished manuscript).

in attendance to vote unless there is a conflict of interest, with the conflict recorded in the minutes.[47]

SAMPLE COUNCIL MEETING

Mayor: With a quorum present I now call to order this meeting of the Blackacre City Council, Monday, February 19, 2007. You should all have a copy of the agenda before you. Are there any changes to the agenda?

[Silence]

Mayor: Yes, Mr. Brown.

Councilmember Joe Brown: Mr. Mayor, I move we accept the agenda as presented.

Councilmember Bob Jones: Second

Mayor: All in favor? *["Aye"]* Any opposed? *[Silence]*. The agenda has been adopted. Let's move on to the minutes. Each of you should have received a copy of last meeting's minutes. Mr. Brown.

Councilmember Joe Brown: I move we approve the minutes as written.

Councilmember Bob Jones: Second.

Mayor: All in favor? *["Aye"]* Any opposed? *[Silence]*. The minutes have been approved as sent out. Moving on down the list. Is there any old business? Ms. Doe.

Councilmember Jane Doe: Mr. Mayor, I move we revive consideration of the purchase of new police cars.

Councilmember Joe Brown: Point of order. Mr. Mayor, we discussed that issue 8 months ago—it wasn't revived in the 6 month time period so it expired.

Mayor: Mr. Brown is correct, I'm afraid we cannot revive consideration. Yes, Councilmember Doe?

Councilmember Jane Doe: Then I move we buy 10 new police cars.

Mayor: Is there a second?

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[47] RULES OF PROCEDURE, NEW MEXICO MUNICIPAL LEAGUE (unpublished manuscript).

Councilmember Joe Brown: Mr. Mayor, I call to follow the agenda. The issue of police cars is nowhere on this agenda.

Mayor: Ok, there is a call to follow the agenda. Is there a second?

Councilmember Bryan Green: Second.

Mayor: Any discussion? Mr. Brown.

Councilmember Joe Brown: Yes, well I think that there's a reason we have an agenda—it's so we can get out of this meeting quicker. Plus, we discussed it 8 months ago, so it can't suddenly be so important that we have to deviate from the agenda to consider it. Besides, there's just no money to do that right now. We simply don't have the funds for more police cars. It's up to the police department to come up with some sort of plan to deal with those situations with the resources they have—their job is to be prepared.

Mayor: Councilmember Smith?

Councilmember Daisy Smith: Well, I think we should deviate from the agenda to consider the issue of police cars. 8 months ago we weren't so sure we needed them. But last month, we had 3 robberies going on at the same time. The criminals could have been caught if we had had enough police cars to get officers to the scenes in time, but instead we had to choose 2 of the stores to go to because there weren't enough cars. This is a time when it is necessary to stray from the agenda.

Mayor: Any other discussion? *[Silence]*. Then let's take a vote. All in favor of deviating from the agenda? *[3 Ayes]*. All opposed? *[2 Nays]*. Ok, we'll consider the issue of police cars. Ms. Doe?

Councilmember Jane Doe: Yes, well as I said before, there is a real need for some more police cars, to protect our families and citizens. It is unacceptable when criminals go free because we're too cheap to buy new cars.

Mayor: Mr. Brown?

Councilmember Joe Brown: Mr. Mayor, like I said before—we already considered this, after we had a study done that said we didn't need more cars, we needed our officers to be more vigilant. There's no money to spare for this and, according to the expert group we hired, no need.

Mayor: Any other discussion? Anyone that hasn't spoken yet? Ok, Ms. Doe.

Councilmember Jane Doe: That study was done before these robberies took place, and how on earth would the officers have prevented it by being more "vigilant"? Predict it would happen and jog over to the store to be there in time to catch the crooks?

Mayor: Mr. Green?

Councilmember Bryan Green: Mr. Mayor, I move we end debate. Everyone has gotten a chance to speak at least once if they want to, and we've been talking about police cars for over 15 minutes.

Mayor: Is there a second?

Councilmember Daisy Smith: Second.

Mayor: All in favor to end debate? *[4 Ayes]*. Any opposed? *[1 Nay]*. Motion carries. We will now vote on the motion on the floor, regarding the purchase of 10 new police cars. All in favor? *[2 Ayes]*. Any opposed? *[3 Nays]*. Ok, we will not be buying new police cars at this time. Yes, Councilmember Smith?

Councilmember Daisy Smith: I move that we prevent reconsideration of this issue about police cars for six months.

Mayor: Is there a second?

Councilmember Joe Brown: Second

Mayor: All in favor? *[4 Ayes]* Any opposed? *[1 Nay]*. Ok, motion to prevent reconsideration carries. Next on the agenda—an issue we need to discuss with our attorney about the zoning lawsuit. Is there a motion? Councilmember Doe.

Councilmember Jane Doe: I move we go into closed session.

Mayor: Second?

Councilmember Joe Brown: Second.

Mayor: All in favor? *[unanimous Ayes]*. Any opposed?

[Mayor and Council leave for 15 minutes, then return to the room.]

Mayor: Is there a motion?

Councilmember Bob Jones: I move we leave closed session.

Councilmember Bryan Green: Second.

Mayor: All in favor? *[unanimous Ayes]*. Any opposed? Ok, next order of business—the new statues in the park. Any motions? Councilmember Doe.

Councilmember Jane Doe: Yes, I know we need to discuss the statues, but I move that we first take a brief 10 minute recess.

Councilmember Daisy Smith: Second.

Mayor: Ok, we have a motion to take a brief recess. Since we have a motion and a second, I'll just call a brief recess—I agree it's probably needed. We'll reconvene in 10 minutes.

[10 minutes later]

Mayor: Ok, back to business. Can I have a motion? Councilmember Green?

Councilmember Bryan Green: Mr. Mayor, I move that we spend $1,000 to put three statues in our park in honor of our town founders.

Mayor: Ok, is there a second? Councilmember Smith?

Councilmember Daisy Smith: I move to amend the motion to spend $2,000 on the statues.

Mayor: Ok, there's been a motion to amend. Is there a second on the motion to amend? Councilmember Doe.

Councilmember Jane Doe: I move to amend the motion to spend $500 on three statues.

Mayor: Ok, there's another motion to amend on the table. Is there a second? Councilmember Brown.

Councilmember Joe Brown: I move to amend the motion to spend only $500 on the statues, but instead of honoring the town founders, we should dedicate the statues to women who fought for women's suffrage.

Mayor: Ok, there's a third motion to amend. Is there a second on Councilmember Brown's motion?

Councilmember Bryan Green: *[without being recognized by the chair]* I move to appeal the procedural ruling of allowing Councilmember Joe's amendment. There may only be 3 motions on the floor at a time, the original motion and 2 amendments, so this third amendment is not allowed.

Mayor: Is there a second on Councilmember Green's motion? Mr. Jones?

Councilmember Bob Jones: Second.

Mayor: All in favor? *[4 Ayes].* Any opposed? *[1 Nay]*. Motion carries, Councilmember Brown's amendment was out of order. Ok, is there a second on Councilmember Doe's motion to amend to spend only $500 on the three statues? Councilmember Brown?

Councilmember Joe Brown: Second.

Mayor: Any discussion? Ms. Doe?

Councilmember Jane Doe: Since we don't have the money for new police cars, we certainly don't have the money for statues.

Mayor: Any other discussion? Being none, let's vote. All in favor of amending the motion to allot $500 for the statues? *[3 Ayes]*. All opposed? *[2 Nays]*. Motion carries. The original motion is amended to allot $500 for the purchase of the statues and there is no reason to vote on the motion to amend to $2,000. Now, on to the issue at hand—is there a second for the original motion, to spend money, now set at $500, to erect 3 statues honoring the town founders? Councilmember Smith?

Councilmember Daisy Smith: Second.

Mayor: We have a motion and a second—all in favor? *[4 Ayes]* Any opposed? *[1 Nay].* Motion carries. Councilmember Doe.

Councilmember Jane Doe: I move to reconsider the issue of police cars, since we're spending money on statues.

Mayor: Your motion is out of order. A motion to prevent reconsideration has already passed. Next order of business: erecting 20 new traffic lights. Ms. Doe?

Councilmember Jane Doe: I move to divide this complex issue and consider it paragraph by paragraph.

Mayor: Is there a second?

Councilmember Joe Brown: Second.

Mayor: Any discussion? Councilmember Bob Jones.

Councilmember Bob Jones: Mayor, this is not a long or confusing issue—it will waste time to divide it.

Mayor: Any other discussion? Hearing none, let's vote. All in favor? *[1 Aye]*. Any opposed? *[4 Nays]*. Ok, motion to divide the issue fails. Back to the issue of new traffic lights. Is there a motion? Councilmember Jones.

Councilmember Bob: I move we put up 20 new traffic lights.

Mayor: Councilmember Doe?

Councilmember Jane Doe: I move we refer that to a committee for research to make sure it's necessary before we act.

Mayor: Is there a second on the motion to refer the traffic light issue to committee? Councilmember Brown.

Councilmember Joe Brown: Second

Mayor: All in favor? *[1 Aye]*. All opposed? *[4 Nays]*. Motion fails. Now back to the original motion. Councilmember Doe…..

Councilmember Jane Doe: I move that we table discussion of the traffic lights until we can consult the DOT.

Mayor: Is there a second? Councilmember Brown.

Councilmember Joe Brown: Second.

Mayor: All in favor? *[5 Ayes]* All opposed? *[silence]*. Motion carries, we'll table the discussion of the new traffic lights until we can talk to DOT. Is there any other new business? Councilmember Jones.

Councilmember Bob Jones: I move we pass an ordinance to take any dogs that bark loud enough to cause people to call my house.

Councilmember Jane Doe: Point of inquiry—what do you mean take?

Councilmember Bob Joes: I mean we confiscate them and either send them out of town or put them to sleep.

Councilmember Daisy Smith: Point of order—I think that may be a violation of property rights and illegal.

Councilmember Bob Jones: I withdraw the motion.

Mayor: Yes, Councilmember Smith?

Councilmember Daisy Smith: I move we adjourn.

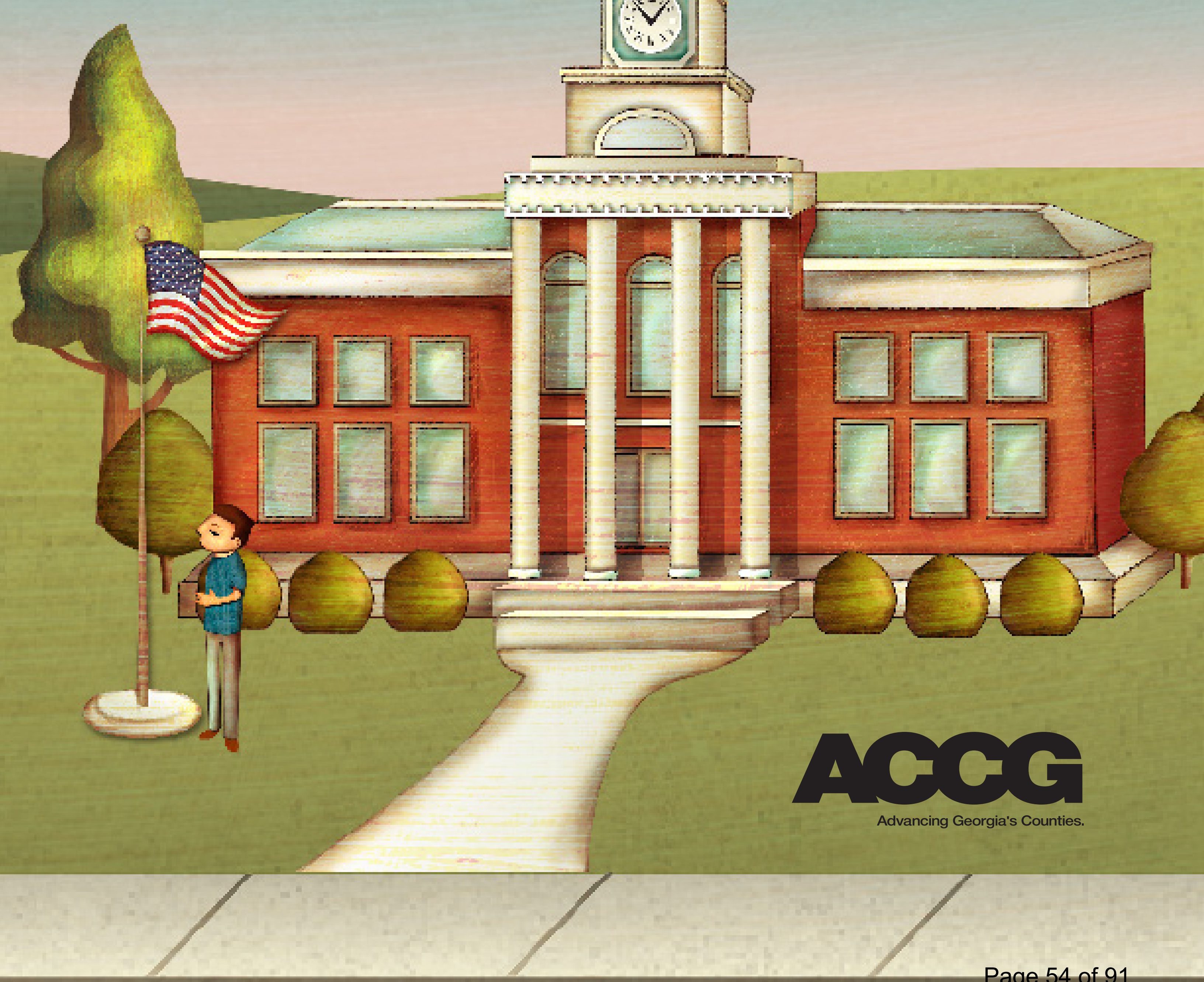
Councilmember Bryan Green: Second

Mayor: I think that is an excellent idea. All in favor? *[unanimous ayes]*. Meeting adjourned.

8TH EDITION

Parliamentary Procedure for Counties

A GUIDE AND MODEL ORDINANCE



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Advancing Georgia's Counties.

Table of Contents

Introduction

In order to properly manage county business, the board of commissioners must make decisions as a group in an open meeting. Parliamentary procedure establishes the ground rules for how the board discusses an issue and then makes a decision. These rules are commonly known as rules of order or rules of procedure. Parliamentary procedure allows the board to reach decisions in an organized way that is fair to everyone involved. In a perfect world, all votes would be unanimous. However, in reality, boards are often divided. Parliamentary procedure provides the answer to whether a motion passes when all members are not present or some member abstains and the vote is split. Parliamentary procedure prevents a commissioner from using meeting time to discuss issues that the board has previously voted down. A board that follows parliamentary procedure will be more productive, more efficient, and above all, more businesslike than a board that does not.

While some counties utilize *Robert's Rules of Order,* many others have not adopted any procedure officially. For counties that rely on *Robert's Rules,* it can be a daunting task to understand even the basic rules. Consequently, this guide offers a more simplified approach. Any county considering adopting procedures should first check their local legislation to make sure that the General Assembly has not required that *Robert's Rules* be used.

This guide includes an overview of parliamentary procedure, charts, and figures on various motions, and a model ordinance for implementing parliamentary procedure. The model ordinance is devoted to debate, voting, and to the 17 most important motions of parliamentary procedure.

Keep in mind the ordinance is a model based on *Robert's Rules of Order.* As such, it suggests one approach to meetings procedure. Provisions in this model can and should be changed to conform to local legislation, existing meeting structure, or local preferences. Consequently, this model should be amended to conform to any such local legislation and to any other provisions that are addressed in local legislation. It is critical that the county attorney be directly involved in the adoption of any meetings procedure or rules of order, since defective procedures and defective meetings may negate decisions made by a board during any such meeting.

Definitions

ABSTAIN

When a commissioner is present during a vote, but does not cast a vote, he or she has abstained from the vote. Abstention should not be allowed unless a conflict of interest exists. In general, an abstention is not counted as either a yes or no vote. It is presumed under the Georgia Open Meetings law that all members in attendance voted in favor of the motion, unless the minutes reflect the names of those voting against the proposal or abstaining.

ADJOURN

To officially end a meeting.

AMEND

To change the main motion.

DEBATE

Discussion of a motion or question. It is the attempt of a commissioner to persuade the rest of the board of the correctness of his or her opinion on the question or motion before the board.

FLOOR

"Getting the floor" or "having the floor" is the privilege of speaking at the commission meeting.

MAJORITY

The minimum number of votes needed to pass or defeat a motion or question. In general, the majority is one more than half of the number of commissioners voting (or one more than half of the quorum). Some boards have special rules or require a "super majority" (e.g., 2/3 of the members voting or members) for special types of questions.

MINUTES

The official record of the board of commissioners' meeting. At a minimum, minutes must include the names of all members present, a description of all motions, and the vote.

MOTION

A formal question presented to the board, which must be made by one of the commissioners and seconded by another commissioner.

PARLIAMENTARY INQUIRY

The formal method used to ask the chair a question about a rule of procedure.

POINT OF ORDER

The formal method used to pose a question to the chair whether a violation of the rules of procedure has occurred.

QUORUM

The minimum number of commissioners necessary to hold a meeting and conduct county business. For many counties, a quorum is a simple majority of the board (i.e., one-half of the members of the board plus one). For example, three commissioners would be a quorum in a five-member board. The county's local legislation may establish a different number as a quorum. Unless otherwise addressed in local legislation, the commissioners may want to decide whether a vacant seat on the board counts in determining the quorum.

SECOND

To express agreement on the presentation of a motion; seconding a motion does not mean or imply that the member is in support of the motion. A commissioner must second the motion of another commissioner before debate can begin or the motion is considered. Requiring a second ensures that there is adequate interest in the board to consider the question.

Roles of the Board and Meeting Participants

CHAIR

The chair is the presiding officer responsible for running the meeting impartially and in compliance with parliamentary procedure. The vice-chair serves in this position if the chair is absent or has recused himself or herself.

All remarks from other meeting participants should be addressed to the chair, who should be referred to as “Mr. Chair” or “Madam Chair.”

Whether the chair may make motions or vote on issues depends upon the county’s local legislation, ordinance, or policy. In some counties, the chair only votes in case of a tie; in other counties, the chair always votes.

DISTRICT COMMISSIONERS

District commissioners must “get the floor” through the chair, may make and second motions, engage in discussion on motions, and ultimately vote on motions. Any questions for department heads, citizens, guests, or speakers from a commissioner should be addressed through the chair.

COUNTY CLERK

The county clerk serves as secretary to the board. He or she is responsible for preparing the agenda, properly advertising the meeting, recording the meeting, and preparing and maintaining the minutes. During the meeting, the clerk keeps track of all motions and seconds. He or she must be able to repeat a motion back for the chair when requested.

COUNTY ATTORNEY

The county attorney serves as the parliamentarian. Any procedural questions should be directed through the chair to the county attorney.

COUNTY MANAGER, ADMINISTRATOR, AND DEPARTMENT HEADS

The county manager or administrator generally attends all commission meetings. He or she serves as a resource for the board and may make regular reports or presentations to the board. Department heads and other employees may be called to give reports, make presentations, or attend meetings of the board. No county manager, administrator, department head, or other employee should interrupt or engage in the discussion of the meeting unless first recognized by the chair.

INVITED SPEAKERS

Invited speakers (e.g., other governmental officials, consultants, vendors, etc.) may attend meetings and be called upon by the chair to present information.

MEMBERS OF THE PUBLIC

Generally, the role of the public is to attend and observe meetings. Participation by the public is reserved for public hearings. In some counties, a portion of the agenda is set aside for citizen comments. Other counties open the floor to citizen comments on agenda items. Regardless of the practice of a particular county, citizens should be recognized by the chair. All remarks should be made to the chair and not to individual commissioners, department heads, employees, etc.

Taking Action on Behalf of the County

In order for a board of commissioners to officially act, they must first make a decision as a group on the action. In order to make a decision as a group, the decision must first be presented in the form of a motion. There are several types of motions that may be used in a board meeting, each of which has different purposes and requirements. This guide provides detailed descriptions of subsidiary, privileged, incidental, and supplementary main motions.

GETTING THE FLOOR

Before a motion can be made and before an issue can be discussed, a commissioner needs to be recognized by the chair as having the right to speak. This is referred to as "getting the floor." The chair must recognize any commissioner who asks to get the floor and who is entitled to it (i.e., the commissioner must not be out of order). A commissioner desiring the floor should simply say, "Mr. Chair" or "Madam Chair." The chair will normally recognize the commissioner by stating, "The Chair recognizes the Commissioner from District____." Once a commissioner has the floor, no one is allowed to interrupt him or her.

MAIN MOTION

In order for a board to take any official action on any subject, a commissioner must make a proposal known as a main motion. The chair will not recognize a proposed motion until another commissioner agrees to second the motion, confirming that at least two commissioners want the motion to be considered by the board. The commissioner seconding the motion does not have to support the motion.

DEBATE

After the chair recognizes the main motion, the board may debate the motion. Commissioners may only speak one at a time and the chair must recognize each commissioner before they begin to speak. Their comments must be directed to the chair. All discussion must be limited to the pending question. The discussion should be courteous. There should be no personal attacks on other board members. The motion, not the person, is the subject of the discussion.

SUBSIDIARY MOTIONS

During the course of debate, commissioners can introduce motions proposing that the board take a particular action on a motion. These motions, called subsidiary motions, allow a board to reach a conclusion on the main motion. Subsidiary motions require a second and most of these motions may be debated, such as motions to refer to a committee and to amend. However, debate is not allowed on motions to limit debate, vote immediately, and lay on the table. These motions also can apply to other subsidiary motions.

Figure 1.

HOW TO MAKE A MOTION

1. **A commissioner must request recognition by the chair by saying, *"Mr. Chair…"* or *"Madam Chair…"***
2. **The chair recognizes the commissioner.**
3. **The commissioner states the motion: *"I move that…"***
4. **Another commissioner may second the motion by saying, *"Second."* If no one does, then the chair may ask: *"Is there a second?"***
5. **If there is no second, the chair announces, *"The motion fails for lack of a second."***
6. **If there is a second, the chair notes, *"It is moved and seconded that… Is there any discussion?"***
7. **The commissioner offering the motion initiates the discussion after being recognized by the chair.**

PRIVILEGED MOTIONS

Privileged motions facilitate the running of the meeting. They do not directly relate to the main motion, but can be introduced while a main motion is being considered. Privileged motions include motions to raise a question of privilege, recess or adjourn. Privileged motions take precedence over all subsidiary motions. Debate is not allowed on these motions.

INCIDENTAL MOTIONS

Incidental motions allow commissioners to exert their rights as members of the board and can be introduced at any time during a meeting. For example, motions to appeal or raise a point of order allow a commissioner to raise an objection. They also include motions that allow a commissioner to ask a question about the rules of order or about the business of the board.

SUPPLEMENTARY MAIN MOTIONS

Supplementary main motions allow the board to act on a main motion that has either been previously passed or tabled by the board. Supplementary main motions can be introduced at any time during a meeting. For example, a motion to reconsider allows the board to consider new information that may affect the decision that has already been made.

PROPER ORDER OF MOTIONS (RANKING)

The system of proposing, considering, and disposing of motions in their proper order is called the "order of precedence" or "ranking" and provides some structure and order to a meeting. Each subsidiary and privileged motion is assigned a specific rank, and is considered and decided upon from highest to lowest. A motion to adjourn has the highest rank and will take precedence over all other subsidiary and privileged motions. A main motion has the lowest rank. Voting on the main motion is in order only when all subsidiary motions have been decided.

A motion of higher precedence can interrupt a motion of lower precedence. The higher motion must be decided before the board returns to consider the motion of lower precedence. For example, while the board is discussing a motion to refer a main motion to a committee, a commissioner can introduce a motion to limit debate on the main motion. The motion to limit debate has a higher precedence than a motion to refer, and must be considered and decided on first before returning to the motion to refer.

Figure 2 provides a list of the ranked motions. Incidental motions (appeal, point of order, parliamentary inquiry, point of information) and supplementary main motions (reconsider, rescind, and resume consideration) are not part of the ranking order, since they can be introduced at any time.

Figure 3 provides a flowchart explanation of the ranking and parliamentary process of motions.

Figure 2.

RANKING OF MOTIONS, HIGH TO LOW

PRIVILEGED MOTIONS (UNDEBATABLE)
- Adjourn
- Recess
- Question of Privilege

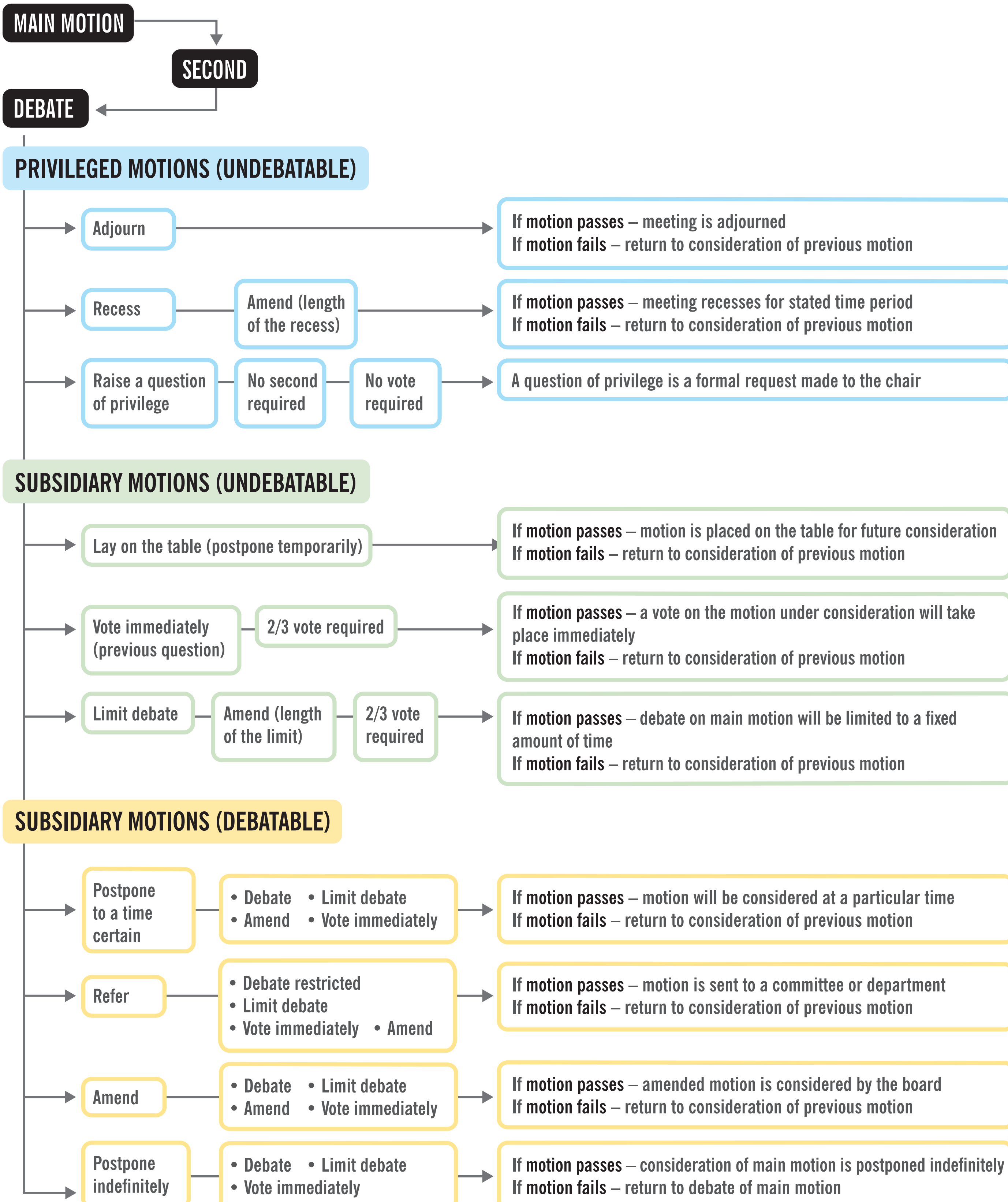
SUBSIDIARY MOTIONS (UNDEBATABLE)
- Lay on the Table (Postpone Temporarily)
- Vote Immediately (Previous Question)
- Limit Debate or Extend

SUBSIDIARY MOTIONS (DEBATABLE)
- Postpone to a Time Certain (Postpone Definitely)
- Refer to Committee (Commit)
- Amend
- Postpone Indefinitely

MAIN MOTIONS

Figure 3.

OVERVIEW OF RANKED MOTIONS IN PARLIAMENTARY PROCEDURE



Note: Incidental Motions (appeal, parliamentary inquiry, point of order, point of information) and Supplementary Main Motions (reconsider, rescind, resume consideration) are not included in the flowchart since they are not part of the ranking system and can be introduced at any time. Source: *Robert's Rules of Order,* 2000

VOTING

All commissioners in attendance must vote for or against a motion unless he or she has a conflict of interest. The chair votes in accordance with the county's local legislation (i.e., could be only in the case of a tie, or on all motions unless her or she has a conflict of interest). Voting procedure varies according to whether the motion is debatable or undebatable (see Summary of Motions, p. 11).

VOTING ON DEBATABLE MOTIONS

In the case of debatable motions, the vote can be proposed in one of two ways:

(1) If debate has been completed and no other commissioner wishes to speak, then the chair can call for the vote. If there are no objections, then the chair proceeds with the vote.

(2) If the chair calls for the vote and there is an objection, debate will continue. To end debate, a member of the board may move to vote immediately (sometimes stated as "move the previous question"). If this motion is seconded and approved by a 2/3 vote, debate will stop. The chair will then read the proposed motion to the board and ask for the votes of the commissioners. (If a board of commissioners consists of only three members, the 2/3 vote becomes meaningless since it would take two votes for a simple majority.)

VOTING ON UNDEBATABLE MOTIONS

In the case of undebatable motions, the vote occurs immediately after the chair recognizes the motion. The chair reads the proposed motion on the board and then calls for a vote.

Figure 4.

HOW TO TAKE A VOTE

A vote can be taken either by voice or by show of hands based on the county's procedure, or in the absence of procedure, the chair's discretion.

By Voice

The chair restates the motion and then says:

"Those in favor, say 'Aye'."

"Those opposed say 'No'."

By Show of Hands

The chair restates the motion and then says:

"Those in favor raise your right hand. Please lower your hand."

"Those opposed raise your right hand. Please lower your hand."

The chair announces the vote and states either, *"The ayes have it"* and restates the motion as passed or *"The noes have it and the motion is lost."*

Summary of Motions

The main motion and 17 specific motions make up the foundation of parliamentary procedure. Knowledge of these motions enables a commissioner to be an active and productive member of the board during commission meetings.

MAIN MOTION

In order for a board to take any official action on any subject, a commissioner must propose a main motion. The chair does not recognize a proposed main motion until another commissioner agrees to second the presentation of the motion. A second does not require the commissioner seconding the motion to support the motion. A commissioner may withdraw a main motion that he or she has made at any time before the board has voted on that motion. The final disposition for a motion often requires one or more subsidiary motion decisions.

SUBSIDIARY MOTIONS

During the course of debate, commissioners can introduce subsidiary motions to propose that the board takes a particular action on a motion, such as amend or refer to a committee. These motions help the board to reach a decision on the main motion. Subsidiary motions require a second; some of these motions are debatable and some are not. Three subsidiary motions—amend, limit debate, and vote immediately—also can apply to other subsidiary motions. Subsidiary motions are discussed below in order of precedence.

MOTION TO POSTPONE INDEFINITELY

- Second required
- Debatable
- Not amendable
- Majority vote

If a commissioner believes that the main motion should not be considered by the board, he or she may move to postpone the consideration of the main motion indefinitely. The purpose is to “kill” the main motion. If the motion to postpone indefinitely is successful, consideration of the main motion stops and the motion is tabled for the duration of the meeting. A motion to postpone indefinitely can be debated, but it cannot be amended since any amendment to the motion would alter the very nature of the motion.

MOTION TO AMEND TO MAIN MOTION

- Second required
- Debatable if the motion to be amended is debatable
- Amendable
- Majority vote

If a commissioner believes that a main motion under discussion should be changed in order to make it more acceptable to the board, then he or she can move to amend the motion. Amendments must be closely related to the original motion and must not change the nature of the motion that they amend. The chair enforces these rules. Motions to refer, amend, postpone to a time certain, and recess can also be amended.

Debate is allowed on a motion to amend only if the original motion is debatable. Debate is limited to the proposed amendment. A majority vote is required for the board to adopt an amendment. If the amendment is adopted, then the board will consider the amended version of the motion. A motion cannot be amended more than two times.

MOTION TO REFER TO A COMMITTEE (COMMIT)

- Second required
- Debatable
- Amendable (as to the committee and date the committee will report back)
- Majority vote

If a commissioner believes that further information is needed before the board can act on a motion, he or she can propose that the motion be referred to a specific committee or department for further study. If an appropriate committee does not already exist, then a committee can be formed as a part of the motion. A motion to refer should specify the date that the committee or department will report back to the board. This motion is debatable and can be amended as to the committee and the date that the committee will report back.

MOTION TO POSTPONE TO A TIME CERTAIN (POSTPONE DEFINITELY)

- Second required
- Debatable
- Amendable (as to the length of the postponement)
- Majority vote

A motion to postpone to a certain time can be proposed if a commissioner believes that the main motion should not be considered until a future time. This motion sets a particular time for the main motion to be considered again, which may be later in the same meeting, at a future meeting, or upon the occurrence of a specified event (e.g., the issuance of a report that may clarify the issue under discussion). The motion is debatable and can be amended as to the length of postponement. A majority vote is required for the motion to pass. If the motion is passed, the chair will bring the original motion back to the board for consideration at the specified time.

MOTION TO LIMIT OR EXTEND LIMITS OF DEBATE

- Second required
- Not debatable
- Amendable (as to the length of the limit)
- 2/3 vote

A motion to limit debate places a time constraint on the length of debate. The details of such a motion are to be decided by the commissioner who makes the motion. This motion can also be used to extend the limits of debate if a limit on debate already exists. Debate is not allowed on this motion and a 2/3 vote is required. The motion can be amended as to the length of the limit.

MOTION TO VOTE IMMEDIATELY (PREVIOUS QUESTION)

- Second required
- Not debatable
- Not amendable
- 2/3 vote

If a commissioner believes that the motion that is being considered should be voted on, the commissioner can move to vote immediately. This motion stops debate. The motion is undebatable and a vote of 2/3 of the board is required for the motion to pass.

MOTION TO LAY ON THE TABLE (POSTPONE TEMPORARILY)

- Second required
- Not debatable
- Not amendable
- Majority vote

A motion to lay on the table proposes that the consideration of a main motion be postponed until a later time in the same meeting. The main motion can be brought back for consideration if a motion to resume consideration is passed by the board during that same meeting. The motion to lay on the table will die if it is not taken up during the meeting. Debate is not allowed on this motion and the motion is not amendable.

PRIVILEGED MOTIONS

Privileged motions help to facilitate the running of the meeting. They do not address or relate to the main motion and can be introduced when there is no main motion under consideration or while a main motion is being debated. Privileged motions take precedence over all subsidiary motions and are discussed below by order of precedence.

QUESTION OF PRIVILEGE

- No second required
- Not debatable
- Not amendable
- No vote required

A question of privilege is a formal question addressed to the chair concerning the rights of a commissioner and of the board as a whole. It does not require a second and cannot be debated or amended. Instead of the board taking a vote on the question, the chair makes a ruling on the question.

MOTION TO RECESS

- Second required
- Not debatable
- Amendable (as to the length of the recess)
- Majority vote

A commissioner can propose that the meeting be suspended for a particular amount of time by moving to recess. This motion, offered while business is still pending, is a temporary intermission in the proceedings for meals or other breaks. The commissioner must specify the length of the recess. The motion must be seconded. Debate is not allowed on this motion, but the motion can be amended as to the length of the recess. Business resumes after the recess where it left off before the recess.

MOTION TO ADJOURN

- Second required
- Not debatable
- Not amendable
- Majority vote

In order for a meeting to come to a close, a commissioner must move to adjourn. The motion to adjourn has the highest precedence of any motion and therefore can be introduced at any time. The motion is not debatable or amendable.

INCIDENTAL MOTIONS

Incidental motions enable commissioners to exert their rights as a member of the board (e.g. to raise an objection to a ruling of the chair, to point out a possible violation of the rules of order, or to ask a question). Incidental motions are not a part of the ranking system; they can be introduced at any time during a meeting.

MOTION TO APPEAL

- Second required
- Debatable
- Not amendable
- Can be interrupted only by a privileged motion or a motion to lay on the table
- Majority vote

If a commissioner disagrees with a ruling made by the chair, he or she may appeal the decision. The motion to appeal should be made immediately following the chair's ruling. If the appeal is seconded, it will be considered by the board. The chair has the opportunity to explain the ruling that has been challenged, then the board may debate the appeal. The board as a whole will decide by majority vote if the chair's decision should be upheld or overturned. An appeal is high in precedence and can only be interrupted by a privileged motion or by a motion to lay on the table.

PARLIAMENTARY INQUIRY

- No second required
- Not debatable
- Not amendable
- Can be interrupted only by a privileged motion
- No vote involved

If a commissioner has a question about the rules of order that relate to the current business of the board, he or she may make a parliamentary inquiry, asking the chair to give an opinion on that question. This motion takes precedence over all motions except privileged motions, does not require a second, and is not debatable or amendable.

POINT OF ORDER (QUESTION OF ORDER)

- No second required
- Debatable
- The chair may make a ruling or may allow the board to vote
- Can be interrupted only by a privileged motion or a motion to lay on the table

If a commissioner believes that a violation of parliamentary procedure rules has occurred, he or she can raise a point of order. A second is not required. The chair can make a ruling on the question or can allow the board to debate the question and vote on it. A point of order motion can only be interrupted by a privileged motion or a motion to lay on the table.

POINT OF INFORMATION

- No second required
- Not debatable
- Not amendable
- No vote involved

If a commissioner has a question about the facts of a particular issue that is being considered, he or she may ask a point of information. This motion is addressed first to the chair and then to the appropriate person. A second is not required and the motion is not debatable or amendable.

SUPPLEMENTARY MAIN MOTIONS

Three motions allow the board to act on a main motion that has either been previously passed or tabled by the board. These motions are considered to be main motions, but differ from usual main motions in specified ways. Supplementary main motions can be introduced at any time during a meeting.

MOTION TO RECONSIDER

- Second required
- Debatable
- Not amendable
- Majority vote

The motion to reconsider allows the board to debate whether or not to reopen debate on a decision made at the meeting in progress. This motion allows the board to consider new information that may affect the decision that has already been made. Any commissioner can make a motion to reconsider and any commissioner can second the motion. The motion is debatable, but it cannot be amended. A majority vote of the board is required for the motion to pass. If a motion to reconsider is passed, the original decision will be voided and the board will return to debate on the original motion.

MOTION TO RESCIND

- Second required
- Debatable
- Not amendable
- Majority vote

A motion to rescind proposes that the board overturn a motion that was made at a previous meeting. It can be made by any commissioner. This motion is in order as long as the original motion has not been implemented.

An announcement of the intention to rescind a motion may be made at the meeting where the decision was made, or the commissioner seeking to rescind may place the matter on the agenda for the next meeting. At the next meeting, the motion to rescind will be formally made. If it is seconded, then it will be considered by the board. A majority vote is required for the motion to pass. If the motion to rescind passes, the original decision is voided.

MOTION TO RESUME CONSIDERATION

- Second required
- Not debatable
- Not amendable
- Majority vote

The motion to resume consideration allows the board to consider a motion that has been temporarily postponed (laid on the table). This motion requires a second, is not debatable or amendable, and ranks higher than any debatable motion. A majority vote is required for the motion to pass.

Parliamentary Courtesies

PRINCIPLES OF PARLIAMENTARY LAW

Being a member of a board comes with the responsibility to keep in mind the principles and purposes underlying parliamentary law:

- *Order:* Orderly procedure prevents confusion, chaos, and disorganization.
- *Equality:* Each commissioner has an equal right to attempt to persuade the other commissioners that his or her opinion on the question or motion is correct or best for the county.
- *The right of the minority opinion to be heard on questions:* It is important to protect the right of the lone commissioner to have his or her opinion considered by the board.
- *The right of the majority opinion to rule the organization:* Being a commissioner on the losing end of a proposal before the board is difficult. However, no matter how right a commissioner believes that he or she is, the commissioner must consent to the will of the majority and never attempt to undermine the decision of the board after the fact.

COURTESIES FROM BOARD MEMBERS

Courtesies that should be expected from all members of the board include the following:

- Arrive at all meetings on time and prepared.
- Address the chair as “Madam Chair” or “Mr. Chair.”
- Do not speak during the meeting without being recognized by the chair.
- Only one member speaks at a time. There should be no talking or whispering among members during the meeting.
- All comments should be addressed to the chair.
- Only one question or motion is discussed and decided at a time.
- Willingly accept the decision of the board.

COURTESIES FROM THE CHAIR

The chair should always provide the following courtesies to his or her board:

- Arrive at all meetings on time and prepared.
- Become knowledgeable in the rules of parliamentary procedure.
- Be impartial.
- Always restate the exact wording of a motion or amendment before the vote. Ask the county clerk to read it if necessary.
- Do not allow discussion on an issue until the motion has been made by a commissioner, seconded by another commissioner, and then restated by the chair.

- The chair is typically not supposed to enter into the discussion while presiding over the meeting. Local legislation or policy may supersede this, particularly when the chair represents one district (as opposed to a commissioner who represents the entire county at large).
- Always be clear in stating how the vote will be taken (e.g. "All in favor of the motion to… say 'Aye'.").
- Always remember to call for the negative vote (e.g., "All those opposed…say 'No'.").
- Remember that adoption of an amendment does not mean adoption of the main motion. Once the vote of the amendment is concluded, restate the motion as amended.
- Call a motion out of order, rather than call a commissioner out of order.

Sources

Nall, Martha, *Simple Parliamentary Procedure, Guidelines for Better Business Meetings,* Lexington, Kentucky: University of Kentucky College of Agriculture, 2000.

Robert, Gen. Henry M., *Robert's Rules of Order, Newly Revised,* 10th Edition, Cambridge, Massachusettes: DaCapo Press, 2000.

Sturgis, Alice, *Sturgis Standard Code of Parliamentary Procedure,* Second Edition, New York: McGraw-Hill Book Co., 1966.

Hudson, Betty J. and Hardy, Paul T., *Handbook for County Commissioners,* Fifth Edition, Athens, Georgia: Carl Vinson Institute of Government: The University of Georgia, 2010.

Resources

Model Ordinance: Parliamentary Procedures for Counties

WHEREAS, well-organized meetings allow a board of commissioners to reach decisions in a fair and organized manner;

WHEREAS, parliamentary procedure is the framework for organizing and conducting meetings; and

WHEREAS, parliamentary procedure provides the rules by which a board debates an issue and then comes to a decision.

NOW, THEREFORE, BE IT RESOLVED that all meetings of the Board of Commissioners of ____________________ County shall be conducted in accordance with the provisions of this meetings procedure ordinance.

SECTION 1. MAIN MOTION. In order for a board to take any official action on any subject, a commissioner must propose a main motion. A proposed main motion will not be recognized by the chair until another commissioner agrees to second the motion. A second does not require the commissioner seconding the motion to support the motion. A commissioner may withdraw a main motion that he or she has made at any time before the board has voted on that motion.

SECTION 2. DEBATE. After the main motion is recognized by the chair, the board shall debate the motion. The debate shall be managed by the chair in a manner that is fair to all members of the board. Commissioners can participate in the debate only when they are recognized by the chair.

During the course of a debate, commissioners may introduce subsidiary motions that propose that the board take a particular action on a motion (Section 5). There are two classes of subsidiary motions: debatable subsidiary motions and undebatable subsidiary motions. Debatable subsidiary motions consist of motions to postpone indefinitely, amend, refer to committee, and postpone to a time certain. Debatable subsidiary motions require a second before they can be voted on or debated. There are three undebatable subsidiary motions: limit debate, vote immediately, and lay on the table. They require a second and cannot be debated.

Commissioners may also introduce Privileged Motions (Section 6). Privileged Motions facilitate the running of the meeting and can be introduced during the course of debate. Privileged Motions consist of a motion to raise a question of privilege and motions to recess and adjourn. The motions to recess and adjourn require a second. Debate is not allowed on Privileged Motions.

SECTION 3. VOTING PROCEDURE. Voting on debatable motions and voting on undebatable motions shall take place in accordance with the following provisions:

(a) **DEBATABLE MOTIONS.** In the case of debatable motions, the vote can be proposed in one of two ways:

(1) If debate has been completed and no other commissioner wishes to speak, the chair can call for the vote. Absent an objection, the chair can proceed with the vote;

(2) If the chair calls for the vote and there is an objection, a member of the board may move to vote immediately ("move the previous question"). If this motion is seconded and approved by a 2/3 vote, debate will stop. The chair will then read the proposed motion to the board and ask for the votes of the commissioners.

(b) **UNDEBATABLE MOTIONS.** In the case of undebatable motions, the vote shall occur immediately after the motion is recognized by the chair. The chair shall read the proposed motion to the board and then call for the vote.

All commissioners in attendance must vote for or against a motion unless he or she has a conflict of interest. The chair only votes in case of a tie. The chair must vote on all motions unless he or she has a conflict of interest. *(Choose one of these two options).*

Note: The county's local legislation should be reviewed by the county attorney to determine the chair's eligibility to vote.

SECTION 4. RANKING OF MOTIONS. Each subsidiary and privileged motion is assigned a specific rank. A motion of higher precedence can interrupt a motion of lower precedence. The higher motion must be decided before the board returns to consider the motion of lower precedence.

A main motion has the lowest rank and does not take precedence over any other motion. A motion to adjourn has the highest rank and will take precedence over all other subsidiary and privileged motions. The order of precedence of motions shall be in accordance with the table in this section. Motions at the top of the following list take precedence over motions at the bottom of the list.

RANKING OF MOTIONS (HIGHEST TO LOWEST)

PRIVILEGED MOTIONS (UNDEBATABLE)

1. Adjourn
2. Recess
3. Question of Privilege

SUBSIDIARY MOTIONS (UNDEBATABLE)

4. Lay on the Table (Postpone Temporarily)
5. Vote Immediately (Previous Question)
6. Limit Debate or Extend

SUBSIDIARY MOTIONS (DEBATABLE)

7. Postpone to a Time Certain (Postpone Definitely)
8. Refer to Committee (Commit)
9. Amend
10. Postpone Indefinitely

OTHER MOTIONS

11. Main Motion

SECTION 5. SUBSIDIARY MOTIONS. During the course of debate, commissioners may introduce motions that propose that the board take a particular action on a main motion. These motions, called subsidiary motions, allow a board to reach a conclusion on the main motion. Subsidiary motions require a second before they can be voted on or debated. Three subsidiary motions—amend, limit debate, and vote immediately—also can apply to other subsidiary motions.

(a) **POSTPONE INDEFINITELY.** If a commissioner believes that the main motion should not be considered by the board, he or she may move to postpone the consideration of the main motion indefinitely. If the motion is successful, consideration of the main motion stops and the main motion is tabled for the duration of the meeting. A motion to postpone indefinitely can be debated but it cannot be amended. A majority vote is required for the motion to pass.

(b) **AMEND.** If a commissioner believes that a main motion should be changed in order to make it more acceptable, he or she can move to amend the motion. Amendments must be closely related to the original motion and must not change the nature of the motion that they amend. Motions to refer, amend, postpone to a time certain, and recess can also be amended. A motion cannot be amended more than two times. Debate is allowed on a motion to amend only if the original motion is debatable. Debate is limited to the proposed amendment. A majority vote is required for the board to adopt an amendment. If the amendment is adopted, then the board shall consider the amended version of the motion.

(c) **REFER TO A COMMITTEE (COMMIT).** If a commissioner believes that further information is needed before the board can act on a main motion, he or she may propose that the motion be referred to a specific committee or department for further study. If an appropriate committee does not already exist, then a committee may be formed as a part of the motion. A motion to commit should specify the date that the committee or department will report back to the board. This motion is debatable and amendable. A majority vote is required for the motion to pass.

(d) **POSTPONE TO A TIME CERTAIN (POSTPONE DEFINITELY).** A motion to postpone to a time certain may be proposed if a commissioner believes that the main motion should not be considered until a future time. This motion shall set a particular time for the main motion to be considered again. It is debatable and can be amended. If this motion is passed, the chair will bring the original motion back to the board for consideration at the specified time, which may be at the same meeting, at a subsequent meeting, or upon the occurrence of a specified event. A majority vote is required for the motion to pass.

(e) **LIMIT OR EXTEND LIMITS OF DEBATE.** A motion to limit debate places a time constraint on the length of debate. The details of such a motion are to be decided by the commissioner who makes the motion. This motion can also be used to extend the limits of debate if a limit on debate already exists. Debate is not allowed on this motion and a 2/3 vote is required for the motion to pass.

(f) **VOTE IMMEDIATELY (PREVIOUS QUESTION).** If a commissioner believes debate on a motion should end and that the motion that is being considered should be voted on, he or she can move to vote immediately. The motion is undebatable and a vote of 2/3 of the board is required for the motion to pass.

(g) **LAY ON THE TABLE (POSTPONE TEMPORARILY).** A motion to lay on the table proposes that the consideration of a main motion be postponed until a later time in the same meeting. The main motion can be brought back for consideration only if a motion to resume consideration is accepted by the board during the same meeting. The motion will die if it is not taken up during the meeting. Debate is not allowed on this motion and the motion is not amendable. A majority vote is required for the motion to pass.

SECTION 6. PRIVILEGED MOTIONS. Privileged motions facilitate the running of the meeting. They do not address or relate to a main motion and can be introduced whether or not there is a main motion under consideration. Privileged motions take precedence over all subsidiary motions. Debate is not allowed on these motions.

(a) **QUESTION OF PRIVILEGE.** A formal question addressed to the chair concerning the rights of a commissioner or of the board as a whole is referred to as a question of privilege. It does not require a second and cannot be debated or amended. The chair is required to make a ruling on the question.

(b) **RECESS.** A motion to recess proposes that the meeting be suspended for a particular amount of time when business is still pending. It is a temporary intermission of the proceedings. The motion must specify the length of the recess. The motion must also be seconded. Debate is not allowed on this motion but the motion can be amended. A majority vote is required for the motion to pass.

(c) **ADJOURN.** In order for a meeting to come to a close, a commissioner must make a motion to adjourn. The motion to adjourn has the highest rank of any motion and can be introduced at any time. The motion requires a second, but is not debatable or amendable. A majority vote is required for the motion to pass.

SECTION 7. INCIDENTAL MOTIONS. Incidental motions allow commissioners to exert their rights as a member of the board. Incidental motions can be introduced at any time during a meeting.

(a) **APPEAL.** If a commissioner disagrees with a ruling that is made by the chair, he or she may appeal the decision. If the appeal is seconded, the appeal will be considered by the board. The chair has the opportunity to explain the ruling that has been challenged. The board may then debate the appeal. The board shall decide by majority vote if the chair's decision is to be upheld or overturned. An appeal is high in precedence and can only be interrupted by a privileged motion or by a motion to lay on the table.

(b) **PARLIAMENTARY INQUIRY.** If a commissioner has a question about the rules of order, he or she may ask the chair to give an opinion on that question. This question should take the form of a parliamentary inquiry and should relate to the current business of the board. This motion takes precedence over all motions except privileged motions. This motion does not require a second and is not debatable or amendable.

(c) **POINT OF ORDER (QUESTION OF ORDER).** If a commissioner believes that a violation of the rules of parliamentary procedure has occurred, he or she can raise a point of order. A second is not required. The chair can make a ruling on the question or can allow the board to debate and then rule on the question by majority vote. A point of order can only be interrupted by a privileged motion or a motion to lay on the table.

(d) **POINT OF INFORMATION (REQUEST FOR INFORMATION).** If a commissioner has a question about the facts of a particular issue that is being considered, he or she may ask a point of information. This motion is addressed first to the chair and then to the appropriate person. A second is not required and the motion is not debatable or amendable.

SECTION 8. SUPPLEMENTARY MAIN MOTIONS. Three motions allow the board to act on a main motion that has either been passed or tabled by the board. These motions are considered to be main motions but differ from usual main motions in the ways specified.

(a) **RECONSIDER.** The motion to reconsider allows the board to debate whether or not to overturn a decision made at the meeting that is in progress. It allows the board to consider new information that may affect the decision that has already been made. Any commissioner can make a motion to reconsider and any commissioner may second the motion. The motion is debatable, but it cannot be amended. A majority vote of the board is required for the motion to pass. If a motion to reconsider is passed, the original decision will be voided and the board will return to debate and revote the original motion.

(b) **RESCIND.** A motion to rescind proposes that the board overturn a motion passed at a previous meeting. It can be made by any commissioner. A motion to rescind is in order as long as the original motion has not been implemented. An announcement of the intention to rescind a motion may be made at the meeting where the decision was made, or the commissioner seeking to rescind may place the matter on the agenda for the next meeting. The motion to rescind will then be placed on the agenda for the next meeting. At the next meeting, the motion to rescind will formally be made. If it is seconded, then the board shall debate and vote on rescission. A majority vote is required for the motion to pass. If a motion to rescind is passed, the original decision will be voided.

(c) **RESUME CONSIDERATION.** The motion to resume consideration allows the board to consider a motion that has been temporarily postponed. This motion requires a second and is not debatable or amendable. It is a main motion but ranks higher than any debatable motion. A majority vote is required for the motion to pass.

Motion Characteristics at a Glance

SUBSIDIARY MOTIONS

Motions that modify, defer, remove, or dispose of the main motion. They must be handled first.

MOTION TO POSTPONE INDEFINITELY

Second required

Debatable

Not amendable

Majority vote

MOTION TO AMEND

Second required

Debatable (if motion to be amended is debatable)

Amendable

Majority vote

MOTION TO REFER TO A COMMITTEE (COMMIT)

Second required

Debatable

Amendable (as to committee and date committee will report back)

Majority vote

MOTION TO POSTPONE TO A TIME CERTAIN (POSTPONE DEFINITELY)

Second required

Debatable

Amendable (as to length of postponement)

Majority vote

MOTION TO LIMIT OR EXTEND LIMITS OF DEBATE

Second required

Not debatable

Amendable

2/3 vote

MOTION TO VOTE IMMEDIATELY (PREVIOUS QUESTION)

Second required

Not debatable

Not amendable

2/3 vote

MOTION TO LAY ON THE TABLE (POSTPONE TEMPORARILY)

Second required

Not debatable

Not amendable

Majority vote

PRIVILEGED MOTIONS

Motions that relate to the order and the rights and welfare of the commissioners.

QUESTION OF PRIVILEGE

No second required

Not debatable

Not amendable

No vote required

MOTION TO RECESS

Second required

Not debatable

Amendable (as to length of recess)

Majority vote

MOTION TO ADJOURN

Second required

Not debatable

Not amendable

Majority vote

INCIDENTAL MOTIONS

Motions that relate to procedures.

MOTION TO APPEAL

Second required

Debatable

Not amendable

Can be interrupted only by a privileged motion or motion to lay on the table

Majority vote

POINT OF ORDER

No second required

Debatable

The chair may make a ruling or may allow board to vote

Can be interrupted only by a privileged motion or motion to lay on the table

PARLIAMENTARY INQUIRY

No second required

Not debatable

Not amendable

Can be interrupted only by a privileged motion

No vote involved

POINT OF INFORMATION (REQUEST FOR INFORMATION)

No second required

Not debatable

Not amendable

No vote involved

SUPPLEMENTARY MAIN MOTIONS

Motions on a main motion that has either been previously passed or tabled by the board. They can be introduced at any time during the meeting.

MOTION TO RECONSIDER

Second required

Debatable

Not amendable

Majority vote

MOTION TO RESUME CONSIDERATION

Second required

Not debatable

Not amendable

Majority vote

MOTION TO RESCIND

Second required

Debatable

Not amendable

Majority vote

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CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 3/23/2018

Presenter:

Item of Business: Personnel Matters

Meeting Date: 4/10/2018

Purpose of Request:

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Department Director:

If funding is involved, are funds approved within the current budget?

Amount Requested: **Source of Funds**:

Finance Comments:

Administrative Comments:

CITY OF GAINESVILLE

AGENDAREQUEST

Date Submitted: 3/30/2018

Presenter: Denise Jordan

Item of Business: Executive Session Minutes: February 13, 2018 Meeting

Meeting Date: 4/10/2018

Purpose of Request:
The purpose of this request is to allow the Board to adopt the minutes from the referenced meeting.

History/Background:

Facts & Issues for Consideration:
The draft minutes were available for review by the Board and Ex-Officio Members in a closed meeting for comments/corrections.

Department Recommendation:
Adopt the minutes accepting edits as presented.

Department Director:
David Frazier

If funding is involved, are funds approved within the current budget?
No

Amount Requested: **Source of Funds**:

Finance Comments:

Administrative Comments:

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 3/23/2018

Presenter: Denise Jordan

Item of Business: Minutes: February 13, 2018 Meeting

Meeting Date: 4/10/2018

Purpose of Request:
The purpose of this request is to allow the Board to approve the minutes from the referenced meeting.

History/Background:
A draft copy of the minutes was distributed via email to the Board Members and Ex-Officio Members to review and submit comments/corrections.

Facts & Issues for Consideration:

Department Recommendation:
Approve the minutes accepting edits as presented.

Department Director:
David Frazier, Chairman

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 3/29/2018

Presenter: Janeann Allison

Item of Business: Retirements

Meeting Date: 4/10/2018

Purpose of Request:
To provide a report of new retirement benefits processed as of 03/26/18.

History/Background:

Facts & Issues for Consideration:
New benefit payments processed as of 03/26/18.

Department Recommendation:
To approve payments as presented.

Department Director:
Janeann Allison

If funding is involved, are funds approved within the current budget?
No

Amount Requested: **Source of Funds**:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
4/10/18 New Benefits Report	Report

RETIREMENT PLAN A 04/10/2018
NEW BENEFITS REPORT

	RETIREE BENEFICIARY	DEPARTMENT	EFFECTIVE DATE	BENEFIT INFORMATION				SERVICE	
				TYPE	AMOUNT	START DATE	SPOUSAL OPTION	TOTAL Eligibility+ Conv Sick	CREDITED (Includes Conv Sick)
1	Benefield, William Scott	DWR	12/29/2017	Normal		1/1/2018			
2	Turk Jr., Richard T	DWR	12/27/2017	Normal		1/1/2018			
3	Anderson, Rodney L	DWR	12/29/2017	Normal		1/1/2018			
4									
	TOTAL				**$ 12,389.31**				

SPECIAL REPORTS

	RETIREE BENEFICIARY	DEPARTMENT	EFFECTIVE DATE	BENEFIT INFORMATION				SERVICE	
				TYPE	Amount	START DATE	SPOUSAL OPTION	TOTAL	CREDITED
1	Myrtle Sue Walker	DWR	3/18/2018	Death					

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 3/29/2018

Presenter: Janeann Allison

Item of Business: Disbursements

Meeting Date: 4/10/2018

Purpose of Request:
To provide a report of all disbursements since the last RPA Board Meeting and to seek the Board's approval of the disbursements as presented.

History/Background:

Facts & Issues for Consideration:
Disbursements processed as of 03/26/18.

Department Recommendation:
To approve the disbursements as presented.

Department Director:
Janeann Allison

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

	Description	Type
🗋	4/10/18 Disbursement Report	Report

RETIREMENT PLAN A 04/10/2018
DISBURSEMENT REPORT

	Employee Name	Department	Termination Date	Distribution Processed	Contributions	Vested	Death Benefit	Lump Sum	Rollover	Lump Sum & Rollover
1	Glenn, Andrew	DWR	9/7/2017	1/29/2018						
2	Guzman, Cindy	DWR	1/1/2018	1/29/2018						
3	Lowman, Clay D	DWR	1/8/2018	1/4/2018						
4	Seabolt, Angela	PD	1/5/2018	1/31/2018						
5	Waithe, Delores	HR	10/25/2017	1/31/2018						
6	Robinson, Justin	PD	1/26/2018	02/15/218						
7	Holmes, Thomas	DWR	1/25/2018	2/15/2018						
8	Martin, Shawna	DWR	2/9/2018	2/26/2018						
9	Toomer, Niasia	PD	2/5/2018	2/26/2018						
10	Frederick, Megan	PD	2/2/2018	2/26/2018						
11	Barber, Andy S.	DWR	2/16/2018	3/19/2018						
12	Mosley, Brett William	PW	2/23/2018	3/19/2018						
13	Merck, Joshua Lee	PD	2/15/2018	3/19/2018						
	TOTAL				**$ 94,173.64**					

CITY OF GAINESVILLE

AGENDA REQUEST

Date Submitted: 3/29/2018

Presenter: Janeann Allison

Item of Business: Option to Repay Contributions upon Reemployment Report

Meeting Date: 4/10/2018

Purpose of Request:
To provide Board with Option to Repay Contributions upon Reemployment updates.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:
No action needed by Board.

Department Director:
Janeann Allison

If funding is involved, are funds approved within the current budget?
No

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

	Description	Type
🗋	Option to Repay Contributions	Report

RETIREMENT PLAN A OPTION TO REPAY CONTRIBUTIONS REPORT
April 10, 2018 Meeting

	Employee Name	Date of Notice	Method of Notification	Response Due By	Rehire Date	Eligible Employment	Principal Contribution	Interest Rate	Repayment Date	Repayment Amount	Did Not Repay
1	Martinez, Eddie	10/30/2017	City Email	02/13/18	02/13/17	5/3/2010 through 12/16/2016	$24,747.73	8%			X
2	Hopwood, Arlinda R.	10/30/2017	City Email	07/03/18	07/03/17	3/15/2010 through 7/17/2014	$14,392.86	8%			
3	Olson, Kelly W.	10/30/2017	City Email	07/31/18	07/31/17	2/4/2008 through 8/7/2015	$38,036.19	8%			
4	Trammell, April	11/9/2017	City Email	09/11/18	09/11/17	8/27/2012 through 11/1/2016	$15,765.99	8%			
5											
	TOTAL						**$ 68,195.04**				