

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF
BROOKHAVEN, GEORGIA FOR THE PURPOSE OF AMENDING THE
REQUIRED READINGS TO PASS AN ORDINANCE IN SECTION
2.15 OF THE CITY CHARTER (Second Adoption, Second Read)**

WHEREAS, Section 2.15(a) of the City Charter requires that no ordinance, except emergency ordinance and certain other Ordinances, shall be adopted on the same day it is introduced at a regular or special meeting of the City Council and must be read twice within a sixty-day period following its first read; and

WHEREAS, the City Council of the City of Brookhaven desires that this restriction on the passage of ordinances be removed and have determined that the Charter of the City of Brookhaven, Georgia should be amended by Home Rule to make the necessary change; and

WHEREAS, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, titled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. §36-35-1 et seq.; and

WHEREAS, O.C.G.A. §36-35-3 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart; and

WHEREAS, pursuant to O.C.G.A. §36-35-3, the required notice has been published in the DeKalb Champion once a week for three weeks prior to its final adoption, and a copy of the proposed amendment has been placed on file in the Office of the Clerk of the City of Brookhaven and in the Office of the Clerk of the Superior Court of DeKalb County, Georgia, all as required by law; and

WHEREAS, the required notice will have been published within the statutory period of 60 days immediately preceding the final adoption of this Ordinance amending the Charter; and

WHEREAS, the title of these Ordinances shall have been read and the Ordinance duly adopted at two consecutive City Council meetings not less than seven (7) nor more than 60 days apart as required by Georgia law.

NOW, THEREFORE, IT IS HEREBY ORDAINED, THE MAYOR AND COUNCIL OF THE CITY OF BROOKHAVEN, GEORGIA, in accordance with O.C.G.A. §36-35-3, as follows:

Section 1

That the Charter of the City of Brookhaven, Georgia shall be amended in accordance with the above so that upon proper passage, Section 2.15 of the City Charter, "Ordinance form; procedures" shall be revised to read as follows:

Sec. 2-15. Ordinance form; procedures

- (a) Every proposed Ordinance and Resolution shall be introduced in writing and the City Council shall have the authority to approve, disapprove or amend the same. An Ordinance or Resolution may be passed at the time it's offered for the first time.
- (b) The catchlines of sections of this charter or any ordinance printed in boldface type, italics, or otherwise are intended as mere catchwords to indicate the contents of the section, and:
 - (1) Shall not be deemed or taken to be titles of such sections or as any part of the section; and
 - (2) Shall not be so deemed when any of such sections, including the catchlines, are amended or reenacted unless expressly provided to the contrary.
- (c) Furthermore, the article and section headings contained in this charter shall not be deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of the provisions of any article or section hereof.
- (d) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent councilmembers. Such rules may include punishment for contemptuous behavior conducted in the presence of the city council.

Section 2

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 3

That the changes to the City Charter as enacted in this Ordinance shall be codified in accordance with state law and the Code of the City of Brookhaven, Georgia.

ORDINANCE ORD 2013-05-01 SECOND READ, SECOND ADOPTION

SO ORDAINED AND EFFECTIVE, this the 23rd day of July, 2013.

Approved:



J. Max Davis, Mayor

Attest:



Susan Hiott, City Clerk

Approved as to Form:



City Attorney



Policy and Procedure for One-Read Ordinances

Background and Current Practice

As you will recall at our last regularly scheduled City Council meeting on June 11, 2013 the one read ordinance/charter amendment was discussed. Currently, the charter requires all ordinances to have two readings and thus the need to change the charter by home rule to alter the number of readings of ordinances.

The purpose of the change to the number of readings was to expedite the procedure and add efficiencies to the process of ordinance adoption. Currently, any ordinance that is to be placed on a council agenda must first be presented in a work session in order to discuss the reasons and need for the ordinance. Following such presentations, the ordinance is then placed on the next council agenda, which is two weeks away. Once the ordinance reaches a council agenda, it is discussed again in the work session preceding the council meeting to again review the reasons and need for the item. (Therefore, the proposed ordinance is discussed on two separate occasions prior to the item reaching the council's agenda.)

The first reading of an ordinance requires no action and has no discussion. This is held for the second reading where the item is discussed and a motion is made by a council member to take certain action, such as approve as presented, approved with changes, defer, or to strike the ordinance. Previously, the first reading has provided some confusion by the public in that they are not permitted to discuss the item or ask any questions at the first reading.

Policy

To amend the charter of the City of Brookhaven, by home-rule, to establish a one read ordinance structure in order to provide for legislative efficiency, when necessary, and create opportunities for public acknowledgement, feedback, and discussion.

Procedure

Proposed ordinances will continue to be vetted at a council work session prior to being placed on a council agenda. After the item is placed on the council agenda, the proposed ordinance will again be placed on the work session agenda immediately preceding the council meeting for further discussion.

At the council meeting for which the ordinance is placed, the item will be called by either the city manager or city attorney. The city manager will yield to the appropriate department head sponsoring the ordinance with a presentation. The Mayor and Council will then discuss the item and ask any questions of the city manager, city attorney, and/or the sponsoring department head. Further, after such presentations and questions, the Mayor shall call upon the public and invite them to make any comments or ask any questions which will be directed to the appropriate staff member for providing the answers. If the Mayor and Council feel they have received sufficient information, they can take action on the item or take it under advisement until the next scheduled council meeting and act upon it then.

Policy and Procedure for One-Read Ordinances

Background and Current Practice

As you will recall at our last regularly scheduled City Council meeting on June 11, 2013 the one read ordinance/charter amendment was discussed. Currently, the charter requires all ordinances to have two readings and thus the need to change the charter by home rule to alter the number of readings of ordinances.

The purpose of the change to the number of readings was to expedite the procedure and add efficiencies to the process of ordinance adoption. Currently, any ordinance that is to be placed on a council agenda must first be presented in a work session in order to discuss the reasons and need for the ordinance. Following such presentations, the ordinance is then placed on the next council agenda, which is two weeks away. Once the ordinance reaches a council agenda, it is discussed again in the work session preceding the council meeting to again review the reasons and need for the item. (Therefore, the proposed ordinance is discussed on two separate occasions prior to the item reaching the council's agenda.)

The first reading of an ordinance requires no action and has no discussion. This is held for the second reading where the item is discussed and a motion is made by a council member to take certain action, such as approve as presented, approved with changes, defer, or to strike the ordinance. Previously, the first reading has provided some confusion by the public in that they are not permitted to discuss the item or ask any questions at the first reading.

Policy

To amend the charter of the City of Brookhaven, by home-rule, to establish a one read ordinance structure in order to provide for legislative efficiency, when necessary, and create opportunities for public acknowledgement, feedback, and discussion.

Procedure

Proposed ordinances will continue to be vetted at a council work session prior to being placed on a council agenda. After the item is placed on the council agenda, the proposed ordinance will again be placed on the work session agenda immediately preceding the council meeting for further discussion.

At the council meeting for which the ordinance is placed, the item will be called by either the city manager or city attorney. The city manager will yield to the appropriate department head sponsoring the ordinance with a presentation. The Mayor and Council will then discuss the item and ask any questions of the city manager, city attorney, and/or the sponsoring department head. Further, after such presentations and questions, the Mayor shall call upon the public and invite them to make any comments or ask any questions which will be directed to the appropriate staff member for providing the answers. If the Mayor and Council feel they have received sufficient information, they can take action on the item or take it under advisement until the next scheduled council meeting and act upon it then.

