

Neighborhood Planning Unit-J

# NPU-J By-Laws

# 2024

**Adopted By-Laws Draft**

for

NEIGHBORHOOD PLANNING UNIT-J

Adopted: September 26, 2023

Effective: January 1, 2024

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## **Adopted By-Laws**

for

### NEIGHBORHOOD PLANNING UNIT-J

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#### **ARTICLE I - NAME**

The name of the organization shall be NPU-J Community, Inc., of Atlanta, Georgia, also known in this document as “NPU-J,” or “Neighborhood Planning Unit - J,” which is incorporated in the State of Georgia as of May 19, 2021, as the NPU-J Community, Inc., a Domestic Nonprofit Corporation, and herein may be interchangeably referred to as “NPU-J”, “NPU”, “Neighborhood Planning Unit” or “Neighborhood Planning Unit -J”.

#### **ARTICLE II - PURPOSE**

These By-Laws are to serve, organize and define the authority and responsibility of NPU-J. The Neighborhood Planning Unit may recommend an action, policy or comprehensive plan to the City Council or to any City agency on any matter affecting the livability of the neighborhood, including, but not limited to: land use, zoning, housing, community facilities, human resources, social and recreational programs, traffic and transportation, environmental quality, open space, and parks; assist City agencies in determining priority needs for the neighborhood; review items for inclusion in the City budget and make recommendations relating to budget items for our neighborhood improvement; and advise the Department of City Planning on the preparation of the fifteen (15) , five (5) and one (1) year comprehensive development plans. NPU-J Community may serve any other lawful purpose for a non-profit organization under Georgia law.

## **ARTICLE III - MEMBERS**

### **SECTION 1**

Any voting member shall be awarded voting privileges and may vote on all business matters including but not limited to zoning, alcohol license applications, and elections of officers. A *voting* member is defined as a member who has attended three (3) of the regular session meetings in the past 12 months.

A member may be any person 18 years or age or older, who is among the classes of individuals and organizations as outlined in SECTION 2, Qualifications. Each *voting* member may hold office in only one (1) NPU.

Each voting member shall have one (1) vote and shall have the right to exercise that vote on all issues which come before NPU-J. No person, corporation, organization, institution or agency who qualifies as a member on more than one basis shall have more than one (1) vote on any single item.

All members shall abide by the rules of order, policies and bylaws of NPU-J.

### **SECTION 2**

#### **Qualifications**

Membership is open to the following classes of individuals and organizations:

#### **A. Resident**

Any person whose primary place of residence is located within the geographic boundaries of NPU-J.

#### **B. Non-Resident**

Any person who is the owner of real property physically located within the geographic boundaries of NPU-J but whose primary residence is physically located outside the geographic boundaries of NPU-J.

#### **C. Corporate**

Any individual, corporation or organization conducting business or providing a service for profit from a permanent physical office located within the geographic boundaries of NPU-J or Community Development Corporation.

**D. Neighborhood Organization**

Any resident-based condominium, homeowners, tenant association or other type of resident association located within the geographic boundaries of NPU-J.

**E. Institution**

Any not for profit agency, institution or organization, secular or faith-based, providing services to residents in one or more of the NPU-J neighborhoods from a permanent physical location within the geographic boundaries of NPU-J.

**SECTION 3**

**Certification of Voting Members**

In the event any member's residency or eligibility for membership or elected office is challenged by another member, the Executive Board may require documentation to the member's eligibility.

The Executive Committee shall determine whether reasonable proof of residency is met. Supporting documentation for establishing proof of eligibility includes any one (1) of the following documents, showing a current address within the geographic boundaries of NPU-J:

1. Georgia Driver's License
2. Georgia ID Card
3. Utility Bill
4. Rental/Leasing Agreement
5. Property Deed
6. Personal or Business Check
7. Voter Registration Card
8. Proof of Incorporation
9. City of Atlanta Business License

**SECTION 4**

**Membership Privileges**

Members have the right to attend all meetings, including committee meetings.

Members will have continuing access to the current year's by-laws, correspondence, financial records, and minutes from all meetings concerning NPU-J.

Member Corporations, organizations, or institutions must designate in writing one (1) person as their voting representative. Such a designated representative shall have one (1) vote. No individual will be permitted to vote twice on any matter, i.e., individually or as a representative.

In the event of a public state of emergency as deemed by the municipal, state or federal government, or similar extenuating circumstances, the Executive Board may call for an emergency meeting after providing at least two (2) hours notice to the general body, for the purpose of conducting business that cannot wait until the next regularly scheduled meeting.

## **ARTICLE IV - MEETINGS**

### **SECTION 1**

NPU-J shall meet no less than ten months per year in regular sessions on the fourth Tuesday of the month at 7:00 PM. All meetings shall begin at 7:00 PM and end by 9:00 PM unless noted and voted upon by the NPU-J body to extend the meeting. The meeting date and time may be changed by the body at a regularly constituted meeting. Committees shall meet upon the call of the committee chairperson. No meeting will be scheduled for the month of November and the last General Body meeting will be scheduled for the second Tuesday of December.

Meetings of the general body, executive committee and any other committees may be conducted virtually, telephonically, or in-person with proper notice as defined in Article IV, Section 2 at the discretion of the NPU-J Executive Committee.

Eligible members shall be able to participate in in-person meetings, virtually and/or telephonically and shall have all the rights of those attending in person, including the ability to make or second motions, vote, or comment.

### **SECTION 2**

Special meetings requiring the memberships body's vote may be called by the Chair or a majority of the Executive Board Committee, or fifteen or more voting members of NPU-J. Notice of special meetings shall be given at least five (5) days prior to the meeting in person, by mail, telephone, or e-mail utilizing the most current directory to all members entitled to vote at such meetings by the person or persons calling the said meeting. A record of such notice shall be deemed compliant with the requirement for giving notice. Business conducted at such special meetings shall be confined to the matters specified in the notice. The Chair or his/her designee will make every reasonable effort to notify members who do not have email addresses by mailing or hand-delivering notices, or by telephone call or text message.

### **SECTION 3**

A minimum of ten (10) members who are not part of the Executive Committee must be present virtually, telephonically, or in-person to achieve a quorum at any duly constituted meeting of the membership of NPU-J in order to conduct official business.

### **SECTION 4**

The Chair in consultation with the Executive Committee and the NPU Planner shall determine the agenda for the meeting.

## **SECTION 5**

The procedure and rules governing the meeting of NPU-J shall be those prescribed by the current edition of "Robert's Rules of Order". The Chair shall be delegated a limited time for reports and comments at the beginning of each meeting and/or motion.

## **SECTION 6**

All meetings of NPU-J and its committees shall be open to the public and NPU-J membership.

## **ARTICLE V - VOTING PROCEDURES**

### **SECTION 1**

Issues shall be resolved by a simple majority of active members present and voting. NPU-J shall afford the first opportunity of making a motion on zoning, alcohol license or special events permits to the affected neighborhood.

Voting can be done by a show of hands, or by ballot, or by electronic methods. Requests for voter certification shall be honored at all times.

### **SECTION 2**

Voter certification can be requested by a member of the NPU-J body before any voting takes place. When there is a discrepancy about a member's eligibility to vote, said member shall vote provisionally. The Executive Committee will have seven (7) days to confirm the member's eligibility in accordance with Article III, Section 3.

### **SECTION 3**

The attendance, maintained by the Secretary, shall be the official basis for eligibility to vote or hold office in NPU-J.

## **ARTICLE VI. OFFICERS**

Elected officers of NPU-J shall be Chair, Vice Chair, Secretary, Treasurer and Parliamentarian.

## **Duties of Officers**

**CHAIR** - shall preside over all meetings, and appoint Standing or Special Committee Chairs, to perform the functions of the organization. The chair shall disseminate any relevant information to all neighborhood presidents within seven (7) days of receipt. The chairperson shall appoint representatives to any boards and commissions that invite representation from NPU-J. Such boards and commissions must be listed in these bylaws at the next bylaws review. The chairperson shall include on the monthly meeting agenda a report from these representatives:

1. Atlanta Planning and Advisory Board (APAB)
2. Blight Free Advisory Board
3. Perry Bolton TAD Advisory Committee
4. Any other boards, advisories, commissions, committees, etc. in which NPU-J has representation

**VICE CHAIR** - shall serve in the absence of the Chair and assist with vote counts, ballot tabulations and voter certifications in the regular monthly meetings.

**SECRETARY** - The Secretary shall be the custodian of all records except such as specifically assigned in these bylaws to others. The Secretary shall take and report to the NPU-J membership minutes of all monthly meetings, special meetings and meetings of the executive board. Approved monthly minutes of the general meeting shall be provided to the Department of City Planning. The secretary shall keep an attendance list of each meeting and handle any official correspondence on behalf of the NPU.

**PARLIAMENTARIAN** - shall advise on issues of parliamentary order, helping improve the governance of NPU-J. Additionally, the parliamentarian must be knowledgeable of Robert's Rules of Order.

**TREASURER** – shall perform all duties incidental to the office of Treasurer and will have custody of, and be responsible for all funds of NPU-J. The Treasurer will receive and give receipts for all monies due and payable to NPU-J from any source whatsoever and shall make all deposits of such monies received in the account maintained on behalf of the organization. The Treasurer will keep full and accurate accounts and records of all receipts and disbursements, in accordance with standard accounting procedures and make a complete financial report, in writing, on the same at each regular meeting of NPU-J. The Treasurer shall prepare an annual financial report and the IRS form 990 or 990EZ e-postcard tax filing for the previous fiscal year due to the IRS by May 15<sup>th</sup> of the following year, unless outside representation on tax matters is sought by the board. The Treasurer shall perform all other duties required to be performed by the Finance Committee, these By-Laws, or that may be assigned from time to time by the Chairman or the Executive Committee.

All elected officers of NPU-J are required to participate in any free training courses offered by the city of Atlanta, if relevant to their duties. Officers are responsible for registering for classes. No elected officer shall be required to attend more than two courses in any year.



## **ARTICLE VII - COMMITTEES**

NPU-J shall have standing committees to fulfill the purpose of the NPU in coordination with the appropriate Municipal, State and Federal agencies.

Committee chairpersons are appointed by the NPU-J Chair. The Chair is an ex-officio member of every committee, except the Elections and the Finance and Budgeting Special Committee(s).

### **SECTION 1**

#### **Qualifications**

Committee chairpersons should be knowledgeable or willing to learn, in the area in which they serve and must be a member of NPU-J.

### **SECTION 2**

#### **Duties**

- Present a plan of work to the Executive Committee for approval.
- Maintain a procedure book with amendments and present a meeting schedule that meets or exceeds a quarterly minimum.
- Research and seek information in the content area.
- Attend NPU, city and community meetings pertinent to their work area whenever possible.
- Respond promptly to correspondence or requests and keep accurate files.
- Make reports at executive and general meetings when requested.
- Give records, reports, procedure books and other materials promptly to successors.

### **SECTION 3**

#### **The Standing Committees shall be:**

**Executive Committee** - Shall be comprised of elected officers, appointed officers, Committee Chairs, and the immediate-past Chair of the NPU-J. Additionally the committee shall include the president of each constituent neighborhood organization or his/her designee, confirmed in writing from said organization.

- The Executive Committee shall assist NPU-J in formulating policies and recommendations as set forth in the duties and definition of the committees in Article VII of the By-Laws.
- To appoint auditors, and the Alternate Delegate to the Atlanta Planning Advisory Board.
- To assist in the development of the agendas for regular meetings, along with the chairperson.
- To monitor the work of the committees.

- To develop policy and procedures.
- To ensure all members have access to By-Laws by February. Copies of By-Laws may be distributed electronically to members at the discretion of the Executive Committee and/ or posted on website.

**Housing, Land Use & Zoning** - To identify, study issues and concerns, review applications and ensure neighborhood input, which pertain to Land Use and Zoning and become familiar with the City's one (1), five (5) and fifteen (15) year Comprehensive Development Plans and make necessary recommendations to NPU-J.

**Code Enforcement and Public Safety** - To identify and study issues and concerns, and make necessary recommendations to NPU-J which will assist the residents in becoming active in the improvement of the condition in their neighborhood and the public well-being.

**Transportation and Mobility** - To identify and satisfy issues and concerns pertaining to transportation (i.e., MARTA) and make recommendations to the NPU.

**Finance and Budgeting Committee** - Shall work with the Treasurer to maintain full and accurate accounts and records of all receipts and disbursements, in accordance with standard accounting procedures and make a complete financial report in writing on the same, at each regular meeting of NPU-J. The committee shall work with the Treasurer to perform all other duties required to be performed as the Finance and Budgeting Committee, these By-Laws, or that may be assigned by the Chairman or the Executive Committee.

**By-Laws Review Committee** - shall be appointed annually by the NPU-J Chair to review and make a report of recommendations to be voted upon and approved by a  $\frac{2}{3}$  majority of the voting members present at the meeting when bylaws are voted upon. Notice that By-Laws are to be discussed and possibly amended shall be either oral or written. The By-Laws committee shall consist of no more than eight (8) persons. The NPU-J Chairperson shall make every reasonable effort to include a member representative from each constituent neighborhood.

**Legislation and Policy** - shall monitor and keep the general body apprised of any legislative or policy matters relevant to the neighborhoods, residents and stakeholders of NPU-J that is deliberated by the City of Atlanta, Fulton County, State of Georgia, public and private stakeholders, or any other entities. The Committee shall make reports to NPU-J at each monthly general meeting.

**Nominations and Elections** - shall coordinate the nominations, eligibility of candidates, and the election proceedings. The Nominations and Elections Committee shall consist of no more than eight (8) persons. The Committee chairperson shall make every reasonable effort to include a member representative from each constituent neighborhood. Members and officers who seek to be nominated may not serve on the Nominations and Elections Committee as members of said committee may not be nominated by the Committee.

**Planning and Development Committee** - shall review and research any projects, initiatives, programs, and other recommendations around parks, transportation, economic development, historic preservation, greenspace and other planning projects that impact the neighborhoods within NPU-J.

#### **SECTION 4**

Committee officers who fail to satisfactorily perform the duties of the committee to which appointed without just and acceptable cause, as defined under ARTICLE II, Section 8; Qualifications; Duties, shall be recommended for replacement by the NPU-J Executive Committee or by request of the membership.

##### **4.1.1** Removal of Committee Chairs

Any active member of NPU-J may request a review or evaluation of the performance or conduct of a Committee Chair, based upon any of the following criteria:

- a. Violation of these by-laws.
- b. Failure or inability to perform duties.
- c. Violation of the City of Atlanta's Code of Ethics.
- d. Absent from three (3) Committee meetings chaired, without notification.
- e. Absent from four (4) Committee meetings chaired without notification.

##### **4.1.2** Notice and Review

The Executive Committee must review all material concerning the removal of a Committee Chair. Removal shall be considered when charges have been presented and found by the Executive Committee to be true.

Notice must be given to the affected chair in writing, and should include the date and time of review. This correspondence should be copied to members of the Executive Committee. The affected chair shall be provided the opportunity to appeal the recommendation for removal from appointment at all stages by submitting to the Executive Committee a written statement of defense.

The final decision to remove shall be that of 2/3 vote of the Executive Committee.

### **ARTICLE VIII - NOMINATIONS AND ELECTIONS PROCEDURE**

#### **SECTION 1**

- A.** For the annual election of officers, voting shall be closed ballot via paper ballot or electronic ballot. The Nominations and Elections Committee will make a recommendation to the general body as to the method of voting. Regardless of the method of voting, all voting members must be present in the meeting when elections are held in order to cast a ballot.

- B.** The Secretary shall make available a list of all eligible candidates for office at the August meeting. The eligibility list should be updated and provided to the membership in September and October prior to the annual election. The Nominations and Elections Committee Chair, appointed by the NPU Chair, shall open the floor for nominations at the August meeting and must add all qualified nominees to a slate of candidates to be provided to the membership and presented at the regularly held September meeting. The Nominations and Elections Committee shall not nominate a member of the Committee; but a member of the Committee may be nominated from the floor.
  
- C.** Election of officers shall be conducted by the Nominating Committee annually at the regular October meeting. Candidates for office must be present or have submitted in writing acceptance of nomination to the Nominating Committee. These By-Laws shall not prohibit the nomination of candidates from the floor.

## **SECTION 2**

To qualify for holding office in NPU-J, each candidate must be an active member as described under ARTICLE III. Additionally, each candidate for the office must have attended at least fifty (50%) of all monthly meetings held within the twelve months prior to the annual election of offices. Candidates for office must be 18 years of age or older whose primary place of residence is within the boundaries of NPU-J.

## **SECTION 3**

Officers shall be elected for a term of one-year beginning January 1 and ending on December 31. All officers shall be elected annually. The Chair of NPU-J may not succeed himself/herself for more than four (4) consecutive full terms.

## **SECTION 4**

Elected Officers who fail to satisfactorily perform the duties of such office without just and acceptable cause shall be replaced by a majority vote of members. The interim person(s) will be expected to serve until such term expires. An officer may be removed at any regular or special meeting of NPU-J.

### **4.1.1** Removal of Elected Officers

Any active member of NPU-J may request a review or evaluation of the performance or conduct of an officer based upon any of the following criteria:

- a. Violation of these by-laws.
- b. Failure or inability to perform duties.
- c. Violation of the City of Atlanta's Code of Ethics.
- d. Absent from three (3) consecutive NPU-J meetings without notification to a member of the Executive Committee.

- e. Absent from four (4) regular NPU-J meetings (within the elected term) without notification to a member of the Executive Committee.

#### **4.1.2** Notice and Review

The Executive Committee must review all material concerning the removal of an officer. Removal shall be considered when claims have been presented and found by the Executive Committee to be true.

Notice must be given to the affected officer in writing, including the date and time of review, and be brought before the full body. This correspondence should be copied to members of the Executive Committee. The affected officer shall be provided the opportunity to appeal the recommendation for removal from office at all stages by submitting to the Executive Committee a written statement of defense.

The final decision shall be that of 2/3 vote of the active membership present and voting.

### **ARTICLE IX - GENERAL ADMINISTRATIVE POLICY**

#### **SECTION 1. SOVEREIGNTY OF NEIGHBORHOODS**

NPU-J serves as an umbrella organization for the neighborhoods within its geographic area and acknowledges each neighborhood's right of self-determination. Therefore, NPU-J will not hear any matter, until said matter has been heard by the directly impacted neighborhood or neighborhoods where applicable and said neighborhood(s) have notified the Chairperson, in writing of the neighborhood's position on said matter. This rule of sovereignty applies to any and all recommendations NPU-J is required to provide under Section 6-3012 of the City of Atlanta Code of Ordinances, and includes but is not limited to land use, zoning, events, letters of support, and/or alcohol license applications.

#### **SECTION 2. FISCAL YEAR**

The fiscal year for NPU-J will begin on the first day of January of each year and end on the last day of December in the same year.

#### **SECTION 3. GIFTS AND GRATUITIES**

The Chairperson must disclose any contribution, gift, or bequest which is contributed, given or bequeathed to NPU-J for the sole purpose of furthering NPU-J's stated purpose, providing, however, the NPU-J acceptance of the same shall not constitute a conflict of interest as defined by the City of Atlanta's Code of Ethics and also provided that the contributor, giver or person making the bequest

does not and will not, within the foreseeable future, have a matter that requires action by NPU-J.

#### **SECTION 4. FINANCIAL MANAGEMENT**

A. The named depositor institution for any financial account(s) established in the name of Neighborhood Planning Unit - J shall be determined by the Executive Committee. The signatures of the Treasurer and the Chairperson will be required for all financial instruments pertaining to NPU-J. If the Treasurer has signed and the President is unavailable, the signature of the Vice President shall also be accepted in lieu of the signature of the President. If the President has signed and the Treasurer is unavailable, the signature of the Secretary shall also be accepted in lieu of the signature of the Treasurer.

B. Any and all funds obtained from any source, through any person or persons, acting for, or in the name of the Organization under the direction or the authorization of the Organization, shall be considered NPU-J funds. Those funds shall be delivered to the Treasurer who will execute a written receipt for such funds, report the amounts received and the source at each meeting.

C. All expenditures exceeding \$100.00 require authorization by the majority vote of members present at a regular business meeting.

#### **ARTICLE X - PARLIAMENTARY AUTHORITY**

The current edition of "*Robert's Rules of Order*" shall govern all matters not covered by these By-Laws, and a copy of such shall be present at every meeting.

#### **ARTICLE XI - BY-LAWS REVIEW AND AMENDMENTS**

##### **SECTION 1**

Adopted By-Laws shall be delivered to the Department of City Planning no later than September 30 of each year and become effective January 1 of the upcoming year.

##### **SECTION 2**

- A. Proposed amendments shall be introduced and discussed at one meeting of NPU-J and shall automatically be tabled until the next meeting of NPU-J. Amendments shall require a majority vote of members present.
- B. The By-laws Committee must have all proposed changes to the by-laws completed and ready for distribution at the August NPU-J General Meeting. The body will have one month to propose

additional changes, if any, to the by-laws. The final version of the by-laws will be completed and voted on at the September NPU-J meeting.

### **SECTION 3**

These By-Laws shall be approved annually by a  $\frac{2}{3}$  majority of the members of the NPU-J in attendance where the By-Laws are voted upon. At said meeting, there shall be no restrictions upon a member's right to vote on the approval or disapproval of the By-Laws.

### **ARTICLE XII - SUPERSESSION OF AUTHORITY**

These By-Laws shall suspend all previous By-Laws of NPU-J

*September 26, 2023*

#### **2023 Chairperson, NPU-J**

Print Name: Anissa Ferrell 09/26/23

Signature: *Anissa Ferrell*

#### **2023 Chairperson, Bylaws Committee**

Print Name: Virgil Pennie 09/26/23

Signature: *Virgil Pennie*

#### **Bylaws Committee Members:**

## APPENDIX

### The Basic Format for an Agenda Item Discussion

- First, the Chair shall clearly announce the agenda item number and shall clearly state what the agenda item subject is. The Chair shall then announce the format (which follows) that will be followed in considering the agenda item.
- Second, following that agenda format, the Chair shall invite the appropriate committee(s) then civic association(s) to report on the item, including any recommendation that they might have.
- Third, the Chair shall ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the committee chair, civic association representative, or applicant, and that person or persons should be given time to respond.
- Fourth, the Chair shall invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of public speakers to ten minutes per side. At the conclusion of the public comments, the Chair should announce that public input has concluded (or the public hearing as the case may be is closed). Time for public comments may be extended by motion and 2/3 vote of the body.
- Fifth, the Chair shall invite a motion. The Chair shall announce the name of the member of the body who makes the motion.
- Sixth, the Chair shall determine if any member of the body wishes to second the motion. The Chair shall announce the name of the member of the body who seconds the motion. (It is normally good practice for a motion to require a second before proceeding with it to ensure it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the Chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the Chair.)
- Seventh, if the motion is made, the Chair shall make sure everyone understands the motion. This is done in one of three ways: (1) The Chair can ask the maker of the motion to repeat it. (2) The Chair can repeat the motion. (3) The Chair can ask the secretary or the clerk of the body to repeat the motion.
- Eighth, the Chair shall now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the Chair shall announce that the body will vote on the motion and the motion shall be re-read by the Secretary.
- Ninth, the Chair takes a vote.
- Tenth, the Chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the Chair shall indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following



form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10 day notice for all future meetings of this body."

### **Motions in General**

Motions are made in a simple two-step process:

- First, the Chair should recognize the member of the body.
- Second, the member of the body makes a motion by preceding the member's desired approach with the words: "I move . . ." So, a typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."

The Chair usually initiates the motion by either:

- Inviting the members of the body to make a motion. "A motion at this time would be in order."
- Suggesting a motion to the members of the body. "A motion would be in order that we give a 10-day notice in the future for all our meetings."
- Making the motion. As noted, the Chair has every right as a member of the body to make a motion, but should normally do so only if the Chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

### **The Three Basic Motions**

There are three motions that are the most common and recur often at meetings:

- The basic motion: The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a 5-member committee to plan and put on our annual fundraiser."
- The motion to amend if a member wants to change a basic motion that is before the body they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion which is before the body and seeks to change it in some way.
- The substitute motion if a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move by substitute motion that we cancel the annual fundraiser this year."
- "Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it.
- The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So that if a member makes what that member calls a "motion to amend", but the Chair determines that it is really a "substitute motion", then the Chair's designation governs.

### **Multiple Motions Before the Body**

- There can be up to three motions on the floor at the same time. The Chair can reject a fourth motion until the Chair has dealt with the three that are on the floor and has resolved them.
- When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed on the motion that is made.

### **To Debate or Not to Debate**

- The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the body without debate on the motion):

#### **A Motion to Adjourn**

- This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This requires a simple majority vote.

#### **A Motion to Recess**

- This motion, if passed, requires the body to immediately take a recess.
- Normally, the Chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

#### **A Motion to Fix the Time to Adjourn**

- This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion.

#### **A Motion to Table**

This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the body. Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting.

A motion to table an item (or to bring it back to the body) requires a simple majority vote.

#### A Motion to Limit Debate

- The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question" or simply "question." (As a practical matter, when a member calls for the "question" the chair can expedite things by simply asking the body if anyone wishes to continue discussing the underlying matter.
- If no one wishes to discuss it further, the chair can proceed to a vote on the underlying matter -without having to vote on the "question". On the other hand, if even one member of the body wishes further discussion and debate on the underlying matter, then the chair has to treat the call for the "question" as a motion and proceed accordingly.)
- When a member of the body makes such a motion for the "question", the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Chair should ask for a second, stop debate, and vote on the motion to limit debate.
- The motion to limit debate requires a 2/3 vote of the body. Note: that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a 2/3 vote of the body. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a 2/3 vote.

#### **Majority and Super-Majority Votes**

- In a democracy, a simple majority vote determines a question. A tie vote means the motion fails.
- All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which, effectively, cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a 2/3 majority (a super-majority) to pass:

#### Motion to Limit Debate.

- Whether a member says "I move the previous question" or "I move the question" or "I call the question" or "I move to limit debate", it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a 2/3 vote to pass.

#### Motion to Extend Public Comment

- At the conclusion of the time for public comment, a member may move to extend public comment by a set motion. This requires a 2/3 vote to pass.

#### Motion to Close Nominations

- When choosing officers of the body (like the Chair) nominations are in order either from a nominating committee or from the floor of the body.

- A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a 2/3 vote to pass.

#### Motion to Object To the Consideration Of A Question.

- Normally, such a motion is unnecessary since the objectionable item can be tabled, or defeated straight up.
- However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a 2/3 vote to pass.

#### Motion to Suspend the Rule

This motion is debatable, but requires a 2/3 vote to pass.

- If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose.
- For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

### Counting Votes

- If the rules of the body say that you count votes of "those present" then you treat abstentions one way. However, if the rules of the body say that you count the votes of those "present and voting" then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are "present and voting".
- Accordingly, under the "present and voting" system you would NOT count "abstain" votes on the motion. Members who abstain are counted for purposes of determining quorum (they are "present"), but you treat the abstention votes on the motion as if they did not exist (they are not "voting"). On the other hand, if the rules of the body specifically say that you count votes of those "present" then you DO count "abstain" votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like "no" votes.
- And, how, exactly, does a member cast an "abstention" vote? Any time a member votes "abstain" or says "I abstain", that is an abstention. However, if a member votes "present" that is also treated as an abstention (the member is, essentially, saying, "count me for purposes of a quorum, but my vote on the issue is abstain"). In fact, any manifestation of intention to vote neither "yes" nor "no" on the pending motion may be treated by the chair as an abstention. And if written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.
- Can a member vote "absent" or "count me as absent" is an interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/ her chair and is actually "absent". That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

## The Motion to Reconsider

- There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider.
- A tenet of parliamentary procedure is finality.
- After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.
- A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.
  - First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)
- Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body -including a member who voted in the minority on the original motion -may second the motion).
- If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.
- If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

### Courtesy and Decorum

- The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation.
- At the same time, it is up to the Chair and the members of the body to maintain common courtesy and decorum.
- Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the Chair before proceeding to speak.
- The Chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not.

- The Chair has the right to cut off discussion that is too personal, is too loud, or is too crude.
- Debate and discussion should be focused, but free and open.
- In the interest of time, the Chair may, however, limit the time allotted to speakers, including members of the body.
- Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

#### Privilege:

- The proper interruption would be: "point of privilege."
- The Chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

#### Order:

- The proper interruption would be: "point of order."
- Again, the Chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.
- If the Chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Chair is deemed reversed.

#### Call for orders of the day

- This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Chair discovers that the agenda has not been followed, the Chair simply reminds the body to return to the agenda item properly before them. If the Chair fails to do so, the Chair's determination may be appealed.

#### Withdraw a motion

- During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor.
- The motion is immediately deemed withdrawn, although the Chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

### **Special Notes about Public Input**

- The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the Chair, It is wise to remember three special rules that apply to each agenda item:
  1. Rule One: Tell the public what the body will be doing.
  2. Rule Two: Keep the public informed while the body is doing it.
  3. Rule Three: When the body has acted, tell the public what the body did.

## EXHIBIT A

### ARTICLE B. - NEIGHBORHOOD PLANNING

#### Sec. 6-3011. - Statement of policy and purpose.

The council finds that it is in the public interest for the City of Atlanta to have an organized program of neighborhood planning. It is the purpose of this article to provide an opportunity both for the citizenry formally to provide input into the comprehensive development plan of the city and to provide a means by which information concerning the operation of city government can be provided to the citizens of Atlanta. Further, it is the policy of the city to coordinate the recommendations of neighborhood planning units with the formulation of the city's budget, both capital and operating, in order that the comprehensive development plan be an effective policy guide for the orderly development of the city.

(Code 1977, § 6-3011; Ord. No. 1999-81, § 1, 11-10-99)

#### Sec. 6-3012. - Definitions.

As used in this article:

- (1) *Neighborhood* means a geographic area either with distinguishing characteristics or in which the residents have a sense of identity and a commonality of perceived interest, or both. Factors that may contribute to neighborhood identity include shared development, history, architecture, social and economic relationships, physical boundaries and the existence of one or more broadly representative neighborhood organizations devoted to neighborhood preservation and improvement.
- (2) *Neighborhood planning unit*, hereinafter also referred to as N.P.U., means (1) a geographic area composed of one or more contiguous neighborhoods, which have been defined by the department of planning, and development and neighborhood conservation based on criteria previously established by the department and approved by the council for the purpose of developing neighborhood plans and (2) a body of residents of such geographic area organized for the purpose of engaging in comprehensive planning matters affecting the livability of neighborhoods.
- (3) *Resident* shall mean any person 18 years of age or older whose primary place of residence is within the neighborhood planning unit, or any corporation, organization, institution or agency which owns property or has a place of business or profession within the N.P.U. Each resident may hold office in only one N.P.U. Each resident, meaning any person who resides within the N.P.U., or any corporation, organization, institution or agency which owns property or has a place of business or profession, shall have one vote and shall have the right to exercise that vote on all issues which come before the N.P.U.; provided that an N.P.U. may adopt bylaws calling for representative voting, as long as the adoption and revision of such bylaws is by vote open to all such residents without attendance requirements, dues payments, or any other limitation.
- (4) *Council district planning committee* means a body of residents of a council district formed from representatives of the neighborhood planning units to coordinate council district plans. The council member for the district may initiate the organization of these committees, but may not hold any office in any of the committees. These committees may continue in existence from year to year.

(Code 1977, § 6-3012; Ord. No. 1999-78, § 1, 11-10-99; Ord. No. 1999-81, § 1, 11-10-99)

#### Sec. 6-3013. - Neighborhood planning units.

- (a) *Designation*. The department of planning, and development and neighborhood conservation shall designate neighborhood planning units, as defined in section 6-3012(2) of this chapter, which shall include all areas of the city. N.P.U.'s may comprise as many, or as few neighborhoods as practicable



and may cross council district boundaries. The designation of the N.P.U. shall be based on criteria previously established by the department of planning and development and approved by the council, and shall include the consideration of existing citizens' organizations' boundaries which may exist at the time of designation, as well as provisions for the change of neighborhood boundaries when necessary.

- (b) *Preservation of information.* The bureau of planning shall make available to neighborhood units basic information, including but not limited to, the areas of land use, transportation, community facilities, programmed capital improvements, housing, human resources, social and recreational programs, environmental quality, open space and parks and citizen involvement in planning and zoning to assist them in neighborhood planning activities. This information shall be presented in such a manner as to be readily recognizable to the residents of each N.P.U. This information shall be presented graphically when practicable.
- (c) *Neighborhood planning units.* The neighborhood planning unit may recommend an action, a policy or a comprehensive plan to the city and to any city agency on any matter affecting the livability of the neighborhood, including, but not limited to, land use, zoning, housing, community facilities, human resources, social and recreational programs, traffic and transportation, environmental quality, open space and parks; assist city agencies in determining priority needs for the neighborhood; review items for inclusion in the city budget and make recommendations relating to budget items for neighborhood improvement; and advise the bureau of planning on the preparation of the 15 and five-year comprehensive development plans.
- (d) *Accountability.* Neighborhood planning units shall be accountable to the residents of the area they represent.

(Code 1977, § 6-3013; Ord. No. 1999-81, § 1, 11-10-99; Ord. No. 2004-08, § 8, 2-10-04)

Sec. 6-3014. - Public hearings.

- (a) *Manner in which hearings are to be held.* The bureau of planning shall hold hearings to focus on the six study areas as defined in the currently adopted comprehensive development plan. Said hearings shall be held in such a manner that there be not less than one public hearing for each study area prior to the preparation of any comprehensive development plan.
- (b) *Notice.* The city shall provide notice of the number of hearings and their dates, times and places. Such notice shall be provided through advertising in a newspaper of general circulation, included on the regular N.P.U. agenda mail-out and provided as a public service announcement.

(Code 1977, § 6-3014; Ord. No. 1999-81, § 1, 11-10-99; Ord. No. 2004-08, § 9, 2-10-04)

**Charter reference** — Boards and commissions, § 3-401.

**Code of ordinances reference** — Boards, councils and commissions, § 2-1851 et seq.

**Cross reference** — Zoning, § 16-01.001 et seq.

Sec. 6-3015. - Schedule of citizen involvement.

- (a) The mayor shall prepare a schedule of citizen involvement regarding the draft of the comprehensive development plan. This report shall be presented to the community development/human resources committee at a regularly scheduled meeting in January of the year in which the plan is to be updated.
- (b) The mayor shall coordinate citizen participation in planning, under provisions of this article and shall be responsible for advising the council on citizen plans.

(Code 1977, § 6-3015; Ord. No. 1999-81, § 1, 11-10-99; Ord. No. 2004-08, § 10, 2-10-04)

Sec. 6-3016. - Bylaws.

- (a) 1. N.P.U. bylaws shall be submitted to the bureau of planning no later than September 30 of each year for compliance with city code requirements.  
2. Said bylaws shall become effective January 1st of the following year.  
3. This article (Code sections 6-3011 through 6-3019) shall be attached as an exhibit to the bylaws of each N.P.U. with each annual submission to the bureau of planning.
- (b) All neighborhood planning units shall have bylaws for their members to follow which shall be approved annually by a majority of the residents (as defined in section 6-3012(3)) of the N.P.U. in attendance at the meeting where the bylaws are voted upon. At said meeting there shall be no restrictions upon a resident's right to vote on the approval or disapproval of the bylaws. These bylaws shall be filed with the department of planning, development and neighborhood conservation. The bylaws shall be reviewed and approved annually by the bureau of planning and the neighborhood planning unit for clarity as to voting procedures, representativeness of all interested parties within the neighborhood planning unit, and a description of the duties of any subcommittees or officers.
- (c) Recommendations of an N.P.U shall not be accepted by the council until the N.P.U. has complied with subsection (a) above.

(Code 1977, § 6-3016; Ord. No. 1999-81, § 1, 11-10-99)

Sec. 6-3017. - Elections.

- (a) Elections shall take place during October or November of every calendar year. If an election(s) has not been held by November 30. Said election(s) shall be conducted by the bureau of planning during the month of December.
- (b) Any person holding the office of chairperson or equivalent, which means presiding officer, must be a person 18 years of age or older whose primary place of residence is within the particular NPU.

(Code 1977, § 6-3017; Ord. No. 1995-68, § 1, 10-24-95; Ord. No. 1999-81, § 1, 11-10-99)

Sec. 6-3018. - Voting procedures.

- (a) Voting procedures shall be established by each neighborhood planning unit. Although the procedure may vary among neighborhood planning units, bylaws describing the voting procedures shall contain provisions delineating the eligibility of voters within the neighborhood planning units and the voting process itself for issues as well as officer elections.
- (b) Each resident as defined in section 6-3012(3) shall represent one vote and may hold office in only one N.P.U.
- (c) All NPU and committee meetings must be open to the public.

(Code 1977, § 6-3018; Ord. No. 1995-68, § 2, 10-24-95; Ord. No. 1999-81, § 1, 11-10-99)

Sec. 6-3019. - Prohibition of political forums.

Neighborhood planning unit meetings shall not be used for political forums or campaigning for city, county, state, or federal elections.

(Code 1977, § 6-3019; Ord. No. 1999-81, § 1, 11-10-99)