

Sponsor: Mayor Stombaugh
First Reading: 01/03/11
Second Reading: 01/18/11
Third Reading: 02/07/11
Ord. No.: 001-11

**AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE I SECTION 2-1
("POLICIES AND PROCEDURES") OF THE TOWN CODE OF THE TOWN OF
SMYRNA REGARDING COMPOSITION OF COMMITTEES AND SUBCOMMITTEES**

BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Chapter 2, Article I Section 2-1 ("Policies And Procedures") of the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Section 2-1(c) by deleting the same in its entirety and inserting in place thereof the following:

(c) No committee appointed by the Mayor and approved by Council, and no sub-committee appointed by any such committee, shall include more than three members of Council. No member of Council shall be deemed to be an "ex-officio" member of any committee or subcommittee to which they were not officially appointed by action of Mayor and Council or, as applicable, by action of any committee and its chairperson. No member of Council who is not a duly appointed member of a committee or subcommittee shall have any right to attend the executive session portion of any meeting held by that committee or subcommittee.

SYNOPSIS

This ordinance amends Section 2-1(c) of the Town Code to rescind a policy previously approved by verbal resolution circa 2006 that made all members of the Town Council "ex-officio" members of all committees. Under this amendment, no member of Council shall be deemed to be an "ex-officio" member of any committee or subcommittee merely by virtue of being a member of the Town Council, and no member of Council shall have the right to attend the executive session portion of any meeting held by a committee or subcommittee unless that member of council was duly-appointed to that committee or subcommittee by appropriate

action by the Mayor and Council or the committee and its chairperson, as appropriate. This amendment was deemed necessary to avoid potential challenges under FOIA that a quorum of the entire council had met (rather than simply a meeting of the relevant committee or subcommittee) and to avoid the possibility that a majority of council might pre-determine the outcome of an issue while it was still in committee.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on February 7, 2011.

ATTEST:

Robert Spedding
Council Secretary

Patricia A. Stombaugh
Mayor

This shall certify that the title and synopsis of this Ordinance was published in "The Smyrna Times" on February 16, 2011 and posted at the Town Hall on February 16, 2011.

So Certifies:

Valerie L. Heutage
Town Clerk

This shall certify that the title, effective date and synopsis of this Ordinance was published in "The Smyrna Times" on February 16, 2011 and posted at the Town Hall on February 16, 2011.

So Certifies:

Samuel H. Hester
Town Manager