



**CITY OF SOUTHPORT
BOARD OF ALDERMEN
RULES OF PROCEDURE STEERING COMMITTEE**

110 E. Nash Street

February 8, 2024

9:00 AM

Agenda

Please turn off or silent your cell phones.

A. Introduction

B. Rules of Procedure

1. Existing City of Southport Rules of Procedure pg 2
2. UNC School of Government Suggested Rules (pages 1-24 only) pg 33
3. Other Municipal Examples
 - Durham pg 58
 - Charlotte pg 106
 - Wethersfield pg 114
 - Chapel Hill pg 120
 - Holden Beach pg 147
 - Leland pg 170

C. Adjourn



ADOPTED

RULES OF PROCEDURES

SOUTHPORT BOARD OF ALDERMEN

Adopted July 31, 2010

Operating rules of procedures for the Southport Board of Aldermen

Errata Sheet for *Suggested Rules of Procedure for a City Council*

Public Comment Periods Required at Meetings of City Councils, Boards of County Commissioners, and School Boards

The 2005 General Assembly enacted S.L. 2005-170 (H 635), effective July 11, 2005, which mandates that city councils, boards of county commissioners, and boards of education provide at least one period for public comment per month at a regular meeting of the board. The history of the act, as well as case law on citizen comment periods as "limited public forums" under the First Amendment, both suggest that the board probably must allow comment on *any subject* that is within the jurisdiction of the local government. A board need not provide a public comment period if no regular meeting is held during the month.

The act allows boards to adopt reasonable regulations governing the conduct of the public comment period, including but not limited to rules setting time limits for speakers, and providing for (1) the designation of spokesmen for groups supporting or opposing the same position, (2) the selection of delegates from groups with the same position when the meeting hall's capacity is exceeded, and (3) the maintenance of order and decorum in the conduct of the hearing. This authorization of regulations is taken almost verbatim from the statutes governing the conduct of public hearings by counties and municipalities, respectively (G.S. 153A-52 and G.S. 160A-81).

Fleming Bell
October 2005

Preface

Suggested Rules of Procedure for a City Council, first written by Bonnie E. Davis and later revised by A. Fleming Bell, II, has been further revised and expanded in this third edition. These modifications are intended to modify the handbook's treatment of several subjects and to reflect changes in the requirements of the open meetings law. The rules governing the role of the mayor, the requirements for minutes and general accounts of closed sessions, and some procedural motions, for example, have been rewritten or modified, and sections on consent agendas and voting requirements when a zoning protest petition is filed have been added.

I give special thanks to James H. Slaughter, an attorney, Certified Professional Parliamentarian, and Professional Registered Parliamentarian from Greensboro, North Carolina, who provided many useful suggestions. My Institute of Government colleague David M. Lawrence also reviewed a draft of the publication and provided many helpful ideas. I give much credit to them; any flaws are of course my responsibility. It is my hope that this new edition of *Suggested Rules of Procedure for a City Council* will prove to be a valuable tool both for city councils, clerks, attorneys, and managers who endeavor to conduct the business of North Carolina's municipalities in a fair, careful, and expeditious manner, and for the citizens whom they serve.

A. Fleming Bell, II
Professor of Public Law and Government

Chapel Hill
Spring 2000

Introduction

THESE RULES OF PROCEDURE were designed for use by a municipal council. They incorporate general principles of parliamentary procedure and applicable North Carolina laws. Essentially the rules are a modified version of *Robert's Rules of Order Newly Revised* (hereinafter referred to as *RONR*). However, *RONR* is intended primarily to guide the deliberations of large legislative bodies; its detailed rules are not always appropriate for a small governing board. A small board can afford to do some things that are not appropriate for a large body, and in some cases the procedure prescribed by *RONR* for larger assemblies is unnecessarily cumbersome. *RONR* itself recognizes that more informality is desirable with small boards (*RONR*, Sec. 48, pp. 477–78); these rules detail the more informal procedures that might be expected with a small board. This book modifies *RONR* with the following principles in mind:

1. The council must act as a body.
2. The council should proceed in the most efficient manner possible.
3. The council must act by at least a majority.
4. Every member must have an equal opportunity to participate in decision making.
5. The council's rules of procedure must be followed consistently.
6. The council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules.

Many of the rules suggested here reflect the provisions of the North Carolina city council meeting procedure statutes, Chapter 160A, Article 5, Parts 1–3, of the North Carolina General Statutes (hereinafter G.S.) (G.S. 160A-68 to -81) and the North Carolina open meetings law, G.S. Chapter 143, Article 33C (G.S. 143-318.9 to 143-318.18). When the rules in this book state procedures that are required by sections of these statutes, that fact is noted in the Comments. City councils must follow procedures required by these laws, whether or not they adopt some version of the rules in this book.

Note that G.S. 160A-82 provides that nothing in G.S. 160A-68 through G.S. 160A-81 (with certain exceptions not pertinent here) is to be construed to repeal any inconsistent provision of any city charter. (See also G.S. 160A-3, which provides rules for resolving conflicts between charter provisions and other statutes.) City officials should examine the city charter whenever a Comment refers to a general law, to determine whether the charter conflicts with the cited general law.

A city council has a relatively free hand in designing its own rules of procedure, as long as the requirements of the general laws mentioned above and the city's charter are followed and the board adheres to the general principles listed earlier. Most of the rules in this book are merely suggested procedures, and each council should feel free to change them to suit local needs and customs. For example, Rule 11 eliminates the requirement of a second to a motion. A council may choose to adopt that rule or not. Alternative wordings and optional language for some of the rules are shown enclosed in brackets.

Throughout these rules the city governing board is referred to as the “council,” in keeping with the wording of G.S. Chapter 160A.

Suggested Rules of Procedure

Rule 1. Regular Meetings

The council shall hold a regular meeting on the second Thursday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on a date to be determined by the Board. The meeting shall be held at Southport City Hall and shall begin at 6:00 p.m. A copy of the council's current meeting schedule shall be filed with the city clerk.

Comment: G.S. 160A-71 allows the city council to fix a time and place for regular meetings. If the council does not do so, it is required to meet at least once a month at 10 a.m. on the first Monday. Although the general law permits a council to fix a regular meeting time that is less frequent than once a month, many city charters require the council to meet at least monthly. G.S. 143-318.12(a) (part of the open meetings law) requires the council's schedule of regular meetings to be kept on file with the city clerk. If the schedule is revised, the new schedule must be on file for at least seven days before the first meeting held pursuant to it.

Rule 2. Special, Emergency, and Recessed [or Adjourned] Meetings

(a) Special Meetings. The mayor, the mayor pro tempore, or any two members of the council may at any time call a special council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the mayor and each council member or left at his or her usual dwelling place; (2) posted on the council's principal bulletin board, or if none, at the door of the council's usual meeting room; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the city clerk. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice. [Even in such a case, the council shall only discuss or transact items of business not specified in the notice if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.]

A special meeting may also be called or scheduled by vote of the council in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the council's principal bulletin board, or if none, at the door of the council's usual meeting room; and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the city clerk. [Such notice shall also be mailed or delivered at least forty-eight hours before the meeting to each council member not present at the meeting at which the special meeting was called or scheduled, and to the mayor if he or she was not present at that meeting.] [Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner, unless all members are present or those not present have signed a written waiver of notice, and the council determines in good faith at the meeting that it is essential to discuss or act on the item immediately.]

Comment: The first paragraph of Rule 2(a) combines the special meeting notice requirements of the open meetings law found in G.S. 143-318.12(b) with the notice requirements for special meetings called by the mayor, the mayor pro tempore, or any two council members under G.S. 160A-71(b)(1). While G.S. 160A-71(b)(1) only requires that the mayor and council members receive six hours' notice of special meetings called by the mayor, the mayor pro tempore, or two council members, this rule increases the advance notice

requirement for the mayor and council members to forty-eight hours. This change recognizes that the council will want to be notified of special meetings called by a few of their number at least as far ahead of time as members of the news media and other persons on the board's "sunshine list" are notified (forty-eight hours) [see G.S. 143-318.12(b)(2)]. A discussion of procedures and possible fees for inclusion on the "sunshine list" can be found in G.S. 143-318.12(b)(2).

In accordance with the requirements of G.S. 160A-71(b)(1), only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice. An optional provision of this rule establishes an additional requirement: no items may be added to the agenda for a special meeting called in this manner unless the council determines in good faith that the item to be added must be discussed or acted on immediately. This provision is based on the following reasoning.

The open meetings law requires that the purpose of a special meeting be stated in the meeting notice. While the law contains no explicit restrictions that would prevent the board from taking up unannounced subjects at a special meeting if the requirements of G.S. 160A-71(b)(1) are met, this rule recognizes that there is probably some implicit "good faith" limit on adding unannounced subjects to the agenda. Recognizing such a limit avoids surprise to absent council members and to others who might have attended the meeting, had they known that the additional item would be placed on the agenda. It is especially appropriate *not* to consider the extra item if it could be dealt with at another special meeting scheduled with the proper forty-eight hours' notice.

The second paragraph of Rule 2(a) deals with special meetings called or scheduled by vote of the council in open session during another duly called meeting under G.S. 160A-71(b)(2). Under the open meetings law, forty-eight hours' advance notice of the time, place, and purpose of special meetings called in this manner must be mailed to the news media and other persons on the council's "sunshine list," as required with any other special meeting. G.S. 160A-71(b)(2) generally requires no special notice to council members of a special meeting called during another meeting, since presumably all members were present or had the opportunity to be present at the meeting where the special meeting was called or scheduled. An optional provision of this rule allows the council to go a bit beyond what the law specifies by providing notice to members who were absent from the meeting where the special meeting was scheduled.

(b) Emergency Meetings. Emergency meetings of the city council may be called only because of generally unexpected circumstances that require immediate consideration by the council. Only business connected with the emergency may be considered at an emergency meeting. One of the following two procedures must be followed to call an emergency meeting of the council.

(1) The mayor, the mayor pro tempore, or any two members of the council may at any time call an emergency council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each council member or left at his or her usual dwelling place at least six hours before the meeting.

(2) An emergency meeting may be held at any time when the mayor and all members of the council are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the council complies with the notice provisions of the next paragraph.

Notice of an emergency meeting under (1) or (2) shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire service's, or station's telephone number, with the city clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the council members and shall be given at the expense of the party notified.

Comment: Rule 2(b) states the requirements of the open meetings law concerning emergency meetings [G.S. 143-318.12(b)(3)]. It adds to these requirements the two possible ways that emergency meetings might be called under G.S. 160A-71(b). The city council procedural statutes do not mention emergency

meetings, so they must be considered a type of special meeting. The first method, described in G.S. 160A-71(b)(1), requires six hours' minimum notice to council members and the mayor. The second method, specified in G.S. 160A-71(b)(2), allows a meeting to be held whenever the entire council can be assembled or written waivers can be obtained from those not present, as long as the emergency meeting notice requirements are satisfied.

The third method for calling special council meetings, see G.S. 160A-71(b)(3), is not allowed for emergency meetings. Because emergency meetings are by their nature unexpected, it is assumed that they will not be called during the course of another meeting, but will be scheduled when needed using one of the other two methods.

(c) Recessed [or Adjourned] Meetings. A properly called regular, special, or emergency meeting may be recessed [or adjourned] to a time and place certain by a procedural motion made and adopted as provided in Rule 18, Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed [or adjourned] session of a properly called regular, special, or emergency meeting.

Comment: In Rule 2(c), note that a motion to recess (or adjourn) a meeting to a time and place certain must comply with the requirements of Rule 18 concerning procedural motions. See both the rule's general requirements and the particular requirements of Motion 2. It must be made in open session, since under the open meetings law the making of such a motion is not listed as an action that is permitted during a closed session. (See Rule 26 concerning closed sessions.) The open meetings law specifies that if proper notice was given of the original meeting, and if the time and place at which the meeting is to be continued is announced in open session, no further notice is required for the adjourned or recessed session. No notice requirements are imposed by the city council procedure statutes for adjourned or recessed sessions. As explained in the *Comment* to Rule 18, Motion 2, the terms "recess to a time and place certain" and "adjourn to a time and place certain" are both forms of the motion to adjourn, and are used interchangeably in these rules and in North Carolina law and practice. G.S. 160A-71(b1) states the terms recess and adjourn as alternatives.

The provisions of Rule 24 that concern notice of meetings to consider the budget should also be considered in conjunction with this rule.

Rule 3. Organizational Meeting

On the date and at the time of the first regular meeting in December following a general election in which council members are elected, or at an earlier date, if any, set by the incumbent council, the newly elected members shall take and subscribe the oath of office as the first order of [new] business. As the second order of [new] business, the council shall elect a mayor, if he or she is not elected as such by the voters, and a mayor pro tempore. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes.

Comment: This rule states the requirements of G.S. 160A-68(a) and (b). An organizational meeting is held whenever new members are elected so that they can properly qualify for office by taking and signing the required oath. At the same meeting a mayor pro tempore (and a mayor if that person is not separately elected by the voters) is chosen. G.S. 160A-68(b) provides that the organizational meeting shall take place notwithstanding the absence, death, refusal to serve, failure to qualify, or nonelection of one or more members, provided a quorum is present.

All public officers must take the oath of office set forth in Article VI, Section 7, of the North Carolina Constitution. Council members may also include in the oath to be taken, those provisions of the oaths set

out in G.S. 11-7 and -11 that are different from the constitutional oath. Board members with questions about oaths should consult the board's attorney or the following Institute of Government publications: A. Fleming Bell, II, *Ethics, Conflicts, and Offices: A Guide for Local Officials* (Chapel Hill: Institute of Government, 1997); James Long and C. E. Hinsdale, *Oaths of Office for the Use of City, County, and State Officials in North Carolina* (Chapel Hill: Institute of Government, 1975); and Joseph S. Ferrell, "Questions I Am Frequently Asked: What Forms of Oath Should a Public Officer Take?" *Popular Government* 62 (Fall 1996): 43.

Who presides at the organizational meeting until the new mayor is sworn in is a question best resolved by local custom. In some cities the city clerk, manager, or attorney presides, and in others the retiring mayor presides until the new mayor is sworn in.

The incumbent council may fix the date and time of the organizational meeting. If it does not do so, the meeting is held on the date and at the time of the first regular meeting in December after the municipal election results have been certified under the state election laws. If the council uses the "default" time and place, G.S. 160A-68(a) may require that the organization of the council be the first thing that occurs "on the date and at the time" of the first regular meeting in December. While this rule permits the qualification of newly elected members and the election of a mayor pro tempore and (if necessary) of a mayor to be preceded by the completion of pending items of unfinished business by the incumbent council if this is the local custom, an incumbent council wishing to proceed in this manner should so specify in fixing the time and place for the organizational meeting. In this case, the swearing-in and election are the first items of "new business" on the agenda.

Rule 4. Agenda

(a) **Proposed Agenda.** The city clerk and chief administrative officer shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least **10** working days before the meeting. Any council member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed ordinances shall be attached to the proposed agenda.[An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each council member shall receive a copy of the proposed agenda and the agenda package and it shall be available for public inspection and distribution or copying when it is distributed to the council members.

(b) **Adoption of the Agenda.** As its first order of business at each meeting, the council shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. If items are proposed to be added to the agenda of a meeting, the council may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all council members.

The council may by majority vote add items to or subtract items from the proposed agenda, except that (a) the council may not subtract items from the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless those calling the meeting consent to the deletion, (b) the council may not add items to the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless all members are present, or those who are absent sign a written waiver of notice, and (c) only business connected with the emergency may be considered at an emergency meeting. The council may add items to the proposed agenda of a special meeting only if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

The council may designate certain agenda items "for discussion and possible action." Such designation means that the council intends to discuss the general subject area of that agenda item before making any motion concerning that item.

Comment to (a) and (b): Because of the volume and complexity of the matters they must consider, most

councils use an agenda for their meetings. This rule describes the typical agenda preparation procedure for regular and some special council meetings. Councils should adapt it to accommodate the special circumstances that accompany emergency and many special meetings.

Two uses of agendas are common. Some councils use an agenda only to organize the materials they must consider and to give themselves an opportunity to study the issues before they meet. These councils generally allow last-minute additions to the agenda by general consent. This rule takes that approach. Note, however, that G.S. 160A-71(b)(1) requires that all council members be present or consent in writing before additions can be made to the subjects listed on the notice of a special meeting called by the mayor, mayor pro tempore, or two council members. Also, since the agenda of such a special meeting is set by those calling it, this rule requires those persons' consent before items may be deleted from that agenda. Note also that G.S. 143-318.12(b)(3) limits the agenda of emergency meetings to business connected with the emergency.

Other councils use their agenda to control the length of their meetings. In that case the council will often hold an agenda meeting or a work session before the regular meeting to ask questions and thoroughly explore the proposals that must be voted on at the regular meeting. Note that such an agenda meeting or work session is considered a meeting of the council for purposes of G.S. 160A-71 and the open meetings law and is subject to the regular or special meeting requirements in these rules. Generally, these councils take a stricter approach and do not allow late additions to regular meeting agendas unless an unexpected and pressing matter arises.

As noted above, at special meetings called by the mayor, mayor pro tempore, or two council members, additions may only be made to the agendas of special meetings if all members are present or those not present sign a waiver of notice. These rules also impose an additional requirement for the agendas of all special meetings, regardless of how they are called, because of open meetings law concerns. Under this approach, an item may be added to the agenda of a special meeting only if all members are present and the board determines in good faith that it is essential to discuss or act on the item immediately. This restriction avoids surprise and is consistent with the spirit of the open meetings law, although neither requirement is actually part of the law. See the statement of public policy underlying the law in G.S. 143-318.9. For further discussion of adding items to special meeting agendas, see the *Comment* to Rule 2(a).

Rule 4(a) requires that longer or more complex proposals be in writing and attached to the agenda, so that council members will have a clear idea of the issues with which they will be dealing. The council may choose what sorts of proposed orders, policies, regulations, resolutions, or other items it wishes to make subject to this requirement. The council may also require that copies of relevant documents be provided to all council members when additions to the agenda are proposed at the meeting.

Some councils also use an agenda package to provide background information about proposed agenda items to the council members. The use of such a package is optional under these rules.

City councils frequently desire to discuss an issue informally, attempting to reach a group consensus, before a formal motion is proposed. While standard parliamentary practice requires that a motion be made before any discussion can occur, conducting discussion first can be very useful to a small board such as a council. Such discussion may be especially important if the council does not hold agenda meetings or work sessions at which the members can discuss issues among themselves, before the more formal meetings at which the council generally takes action. This rule authorizes the practice of "discussing before moving" by permitting the council to designate particular agenda items "for discussion and possible action." If a motion is later made, discussion on the motion is then in order.

The city clerk or chief administrative officer may find it convenient to maintain a mailing list of interested parties who wish to receive a copy of the proposed agenda and/or agenda package regularly. Since the background materials included with the proposed agenda in the agenda package may be quite voluminous, the council may wish to charge those receiving the full agenda package for the cost of reproduction. At the very least, the council should make provision for the public to inspect and copy the

agenda package in the city offices, since the agenda package is generally a matter of public record open to public inspection.

(c) **Consent Agenda.** The council may designate a part of the agenda as the “consent agenda.” Items shall be placed on the consent agenda by those preparing the proposed agenda if they are judged to be noncontroversial and routine. Any member may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.

Comment to (c): Many councils use a consent agenda as a device to handle routine business more quickly. The persons preparing the proposed agenda group together on the agenda those items that they think will be noncontroversial, routine, and unopposed. As a general rule, ordinances, controversial items, matters in which citizens may be interested, and matters of great substance should probably not be included on the consent agenda.

The council reviews the “consent agenda” as part of its review of the proposed agenda at the beginning of the meeting. Each member is free to remove items from the consent agenda to the regular agenda. A member may wish to do so if, for example, he or she would like to debate the proposal or vote against the item.

Those items remaining on the consent agenda are all handled with a single motion and vote, which is legally a motion and vote on each one of them. In keeping with this understanding, the minutes should reflect separate motions and votes on each of the consent items. For more information on consent agendas, see the publication “Consent Agenda,” available from the International Institute of Municipal Clerks, 1206 North San Dimas Canyon Road, San Dimas, CA 91773, (909) 592-4462, or on loan from the Institute of Government’s library.

(d) **Open Meetings Requirements.** The council shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number, or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the council to understand what is being deliberated, voted, or acted on. The council may, however, deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

Comment to (d): The last paragraph of this rule paraphrases the open meetings law’s restrictions on acting by reference to agendas or other items [see G.S. 143-318.13(c)].

Rule 5. Public Address to the Council

Any individual or group who wishes to address the council shall make a request to be on the agenda to the city clerk or chief administrative officer. However, the council shall determine at the meeting whether it will hear the individual or group.

Comment: The council may decide as a matter of general policy to set aside part of each meeting for individuals or groups to address the council, although it is not legally required to do so. This rule allows any individual or group to be placed on the proposed agenda, but reserves to the council the right to decide whether to hear its comments. If the council chooses to open the meeting for public comments on a particular issue, it must be careful not to censor individuals or groups based on their point of view on that

issue, in order to avoid violating the speakers' constitutional right to freedom of speech. For further information on public comment during board meetings, see A. Fleming Bell, II, John Stephens, and Christopher M. Bass, "Public Comment at Meetings of Local Government Boards," Parts One and Two, *Popular Government* 62 (Summer 1997): 3–14 and (Fall 1997): 27–37, respectively.

Rule 6. Order of Business

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- Discussion and revision of the proposed agenda, including consent agenda; adoption of an agenda
- Approval of the minutes
- Public hearings
- Administrative reports
- Committee reports
- Unfinished business
- New business
- Informal discussion and public comment.

By general consent of the council, items may be considered out of order.

Comment: Note that the suggested order of business places public hearings and administrative reports early in the meeting. These are the main items that involve citizens and administrative officials who may not need or wish to be present for the entire meeting. The council may also decide to place general public comment earlier on the agenda, if it reserves part of each meeting for this purpose (see Rule 5). Unfinished business under these rules consists of matters that are carried over from a previous meeting that was adjourned before the council completed its order of business and matters that were specifically postponed to the present meeting [see Rule 18(b), Motion 11].

Rule 7. Office of Mayor

If the mayor is not elected as such by the voters, the council shall, at the organizational meeting described in Rule 3, elect one of its members to serve as mayor for a term certain. The mayor shall preside at all meetings of the council but shall have the right to vote only when there is a tie. In order to address the council, a member must be recognized by the mayor.

The mayor or other presiding officer shall have the following powers:

- (a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- (b) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- (c) To entertain and answer questions of parliamentary law or procedure;
- (d) To call a brief recess at any time;
- (e) To adjourn in an emergency.

A decision by the presiding officer under (a), (b), or (c) may be appealed to the council upon motion of any member, pursuant to Rule 18(b), Motion 1. Such a motion is in order immediately after a decision under (a), (b), or (c) is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.

Comment: G.S. 160A-69 provides that the mayor shall have the right to vote only in cases where there are an equal number of votes in the affirmative and in the negative, unless the mayor is elected by the council from among its membership and the city charter is silent on the matter. In that case, the mayor has the right to vote on all matters. Many cities have charter provisions dealing with the mayor's voting rights; a special charter rule on mayoral voting takes precedence over the general rule in G.S. 160A-69.

If the mayor is elected by the council, he or she may serve either for a fixed period of time, such as one year, or at the council's pleasure. The city charter normally has a provision on this point as well.

The mayor or anyone presiding in the mayor's place is given substantial procedural powers by this rule. Nevertheless, those powers are not absolute. Under this rule and Rule 18, Motion 1, any council member is entitled to make a motion to appeal to the other members concerning the presiding officer's decisions regarding motions, decorum in debate, and most other procedural matters. Such a motion replaces *RONR*'s "question of order and appeal."

There are two exceptions to this right of appeal. A mayor or other presiding officer may adjourn without the board's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time. (The latter might be necessary to "clear the air" and thus reduce friction among the members.) *RONR*, in contrast, allows a recess to be taken only with the approval of the members.

Rule 8. Office of Mayor Pro Tempore

At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the council's pleasure. A council member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a council member for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the council may confer on the mayor pro tempore any of the mayor's powers and duties. If the mayor should become physically or mentally unable to perform the duties of his or her office, the council may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When a mayor declares that he or she is no longer incapacitated, and a majority of the council concurs, the mayor shall resume the exercise of his or her powers and duties. If both the mayor and mayor pro tempore are absent from a meeting, the council may elect from among its members a temporary chairman to preside at the meeting.

Comment: This is G.S. 160A-70, paraphrased.

Rule 9. When the Presiding Officer Is in Active Debate

If the mayor or other presiding officer becomes actively engaged in debate on a particular proposal, he or she shall designate another council member to preside over the debate. The mayor or other presiding officer shall resume presiding as soon as action on the matter is concluded.

Comment: Good leadership depends, to a certain extent, on not taking sides during a debate. On a small board this may not always be feasible or desirable; yet an unfair advantage accrues to the side whose advocate controls access to the floor. This rule is designed to insure even-handed treatment to both sides during a heated debate. Ordinarily if the mayor is leading the meeting, he or she should ask the mayor pro tempore to preside in this situation, but if that person also engaged in the debate, the mayor should feel free to call on some other council member in order to achieve the purpose of this rule.

Rule 10. Action by the Council

The council shall proceed by motion, except as otherwise provided for in Rule 4 and in Rule 31. Any member may make a motion.

Comment: Under standard parliamentary practice, a motion must be on the floor before a board may proceed with discussion or action. Rule 10 allows two variations, one based on Rule 4 and the other on Rule 31.

Rule 4 allows items to be placed on the agenda “for discussion and possible action.” General discussion of the agenda item may precede the making of a motion. See Rule 4 and the accompanying *Comment*.

Rule 31 specifies that the council is to make appointments using an election method, rather than by motion, in order to allow all council members to express their preferences. This method applies both to internal council appointments and to appointments to other bodies. The procedures to be followed are explained in Rule 31 and the accompanying *Comment*.

In those municipalities where the mayor may vote only to break a tie, he or she should probably not make motions. The reason for this rule is that legally the mayor is not part of the decision-making body unless a tie vote occurs. Traditionally, if a nonvoting mayor wishes to have a motion made, instead of making it personally, he or she states, “The Chair will entertain a motion that . . .” In those cities where the mayor may vote in all cases, he or she may make a motion as any other member would.

Rule 11. Second Not Required

A motion shall require a second.

Comment: The philosophy underlying the requirement of a second is that if a proposal does not have at least some minimum level of support, it is not worth the time necessary to consider it. In a group of 100 persons, for example, requiring a second ensures that at least 2 percent of the group wishes to consider the proposal. On a five-member council, on the other hand, a proposal supported by one member already has the backing of 20 percent of the council membership. If a council is small, efficient use of the council's time is not impaired by allowing consideration of a proposal that initially has the support of only one member. If a council wishes to retain the requirement of a second, however, it is free to do so.

This rule is consistent with the *RONR* concept that motions need not be seconded in meetings of smaller groups (*RONR* Sec. 48, p. 477). Moreover, even if a board uses seconds, *RONR* notes that after a debate has begun or, if there is no debate, after any member has voted, the lack of a second has become immaterial and it is too late to make a point of order that the motion has not been seconded (*RONR* Sec. 4, p. 36).

Rule 12. One Motion at a Time

A member may make only one motion at a time.

Comment: None.

Rule 13. Substantive Motions

A substantive motion is out of order while another substantive motion is pending.

Comment: This rule sets forth the basic principle of parliamentary procedure that distinct issues will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

RONR does not refer to substantive motions as such; instead it refers to *main* or *principal* motions. The term *substantive motion* is used here to underscore the distinction between this type of motion and the various procedural motions listed in Rule 18. Basically, a substantive motion is any motion other than the procedural motions listed in Rule 18. A substantive motion may deal with any subject within the council's legal powers, duties, and responsibilities. Indeed, since Rule 10 provides that the council shall proceed by motion, the substantive motion is the only way the council can act, unless it has adopted a special rule to deal with a particular situation. (See, for example, the provisions of Rule 31 on appointments.) The procedural motions detailed in Rule 18 set forth the various options the council has in disposing of substantive motions.

Rule 14. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 27 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

Comment: In a few instances, these rules require a vote equal to two-thirds of the entire membership of the council for adoption of a particular motion. Also see Rule 23 concerning the number of votes necessary to adopt an ordinance, adopt a change in a zoning ordinance when a protest petition has been received, or approve a contract. Other extraordinary voting requirements imposed by particular statutes are not specified in these rules. The city attorney should be consulted as questions arise.

Rule 15. Voting by Written Ballot

The council may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the council shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the city clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Ref: Section 2.60 City Code: Election by Ballot

The open meetings law allows public bodies such as city councils to use written ballots, *so long* as they follow the procedures set out in G.S. 143-318.13(b) and paraphrased in this rule.

Rule 16. Debate

The mayor shall state the motion and then open the floor to debate on it. The mayor shall preside over the debate according to the following general principles:

- (a) The maker of the motion is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (c) To the extent possible, the debate shall alternate between proponents and opponents of the measure.

Comment: None.

Rule 17. Ratification of Actions

To the extent permitted by law, the council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Comment: Ratification of actions taken on the council's behalf but without its prior approval is permitted under these rules, to the extent that such after-the-fact approval of actions is legally allowed. The principle behind the motion to ratify is that an assembly may subsequently approve that which it could have authorized. This rule treats the motion to ratify as a *substantive* proposal rather than as a *procedural* motion, since a ratification is in effect an after-the-fact substantive action by the council concerning something that was done without council approval when advance authorization should have been obtained.

Rule 18. Procedural Motions

(a) **Certain Motions Allowed.** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

Comment: Rule 18 reflects substantial departure from the rule in *RONR*. Each procedural motion in *RONR* was reviewed to determine whether it was appropriate for use by a small board; substantial modifications and deletions were the result. The following enumeration of procedural motions is exhaustive; if a procedural option is not on the list, then it is not available.

Procedural motions are frequently used to “act upon” a substantive motion by amending it, delaying consideration of it, and so forth. They are in order while substantive motions are pending as well as at other times.

In addition, as in *RONR*, several procedural motions can be entertained in succession without necessarily disposing of the previous procedural motion. The order of priority establishes which procedural motion yields to which—that is, which procedural motion may be made and considered while another one is pending.

The procedural motions are summarized in table form in the appendix. Note that the appended table is intended only to provide a quick reference guide to the motions; this rule and its comments should be consulted for a discussion of how each procedural motion is used.

(b) **Order of Priority of Motions.** In order of priority (if applicable), the procedural motions are

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the council, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Comment: Rule 7 allows the ruling of the presiding officer on certain procedural matters to be appealed to

the council. This appeal must be made as soon as the presiding officer's decision is announced, so this motion is accorded the highest priority. See Rule 7 and its *Comment* for further discussion of this motion.

Motion 2. To Adjourn. This motion may be made only at the conclusion of council consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess [or adjourn] to a time and place certain shall also comply with the requirements of Rule 2(c).

Comment: This motion differs from the *RONR* motion to adjourn in several respects. The *RONR* motion to adjourn is not debatable or amendable and can be made at any time, thus interrupting substantive deliberations. Here, however, since the number of members is small and procedures are available to limit debate, Motion 2 allows both debate and amendment, but specifies that the motion is in order only when consideration of a pending matter has concluded.

If the council wants to adjourn before completing final action on a matter, it must, prior to adjourning, first temporarily conclude its consideration of that matter. This is done with one of three motions: to defer consideration of the matter, to postpone the matter to a certain time or day, or to refer the matter to a committee. Only as a last resort should the council use a motion to suspend the rules, in order to allow the motion to adjourn to interrupt deliberation on the matter.

Another adjournment option is to recess (or adjourn) the meeting to reconvene at a specified time and place, in accord with Rule 2(c). The motion to recess or adjourn to a time and place certain is a form of the motion to adjourn. As explained in the *Comment* to Rule 2(c), various North Carolina General Statutes and North Carolina practice refer both to the terminology "recess to a time and place certain" and the phrase "adjourn to a time and place certain," [see, for example, G.S. 160A-71(b1) and 143-318.12(b)(1)]. Thus both "recess" and "adjourn" are provided here as options. The motion has the same meaning regardless of the option chosen.

Motion 3. To Take a Brief Recess.

Comment: This motion, which allows the council to pause briefly in its proceedings, is similar to the motion to recess under *RONR*. To avoid confusing this motion with the motion "to recess to a time and place certain," which is a form of the motion to adjourn under these rules and in North Carolina practice [see Rule 18(b), Motion 2 above], Motion 3 is a "motion to take a brief recess" rather than a "motion to recess." Since the number of council members is small, and procedures are available to limit debate, debate is allowed on this motion. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending. Under these rules, the mayor also has the power to call a brief recess at any time [see Rule 7(d)].

Motion 4. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

Comment: This motion is patterned on the call for the orders of the day in *RONR*. It differs in that it may be debated; also, unless the motion is made when the item of business that deviates from the agenda is proposed, the right to insist on following the agenda is waived for that item.

Motion 5. To Suspend the Rules. The council may not suspend provisions of the rules that state requirements imposed by law on the council. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats.

Comment: This motion is generally the same as the *RONR* motion to suspend the rules, except that it is debatable and amendable. It is in order when the council wishes to do something that it may legally do but

cannot accomplish without violating its own rules. The motion permits the council to exercise greater flexibility and perhaps informality than adhering strictly to the rules might allow. For example, the council might use this motion to allow it to consider an agenda item out of order, without formally amending the agenda that it had adopted.

A motion to suspend the rules requires approval by two-thirds of the actual membership of the council to pass. Note that the mayor is counted for purposes of determining two-thirds of the council only if he or she has the right to vote on all questions, and that vacant seats are excluded in making the two-thirds determination.

The two-thirds requirement is imposed since some council actions by statute require a two-thirds vote to pass. These actions could not be undone through a suspension of the rules unless two-thirds of the council wished to undo them.

The procedure described will pose some problems on a three-member council, because the rule can be manipulated so as to prevent one member from participating in the council's deliberations. Frequent use of the motion to prevent one member from presenting his or her proposals to the council or from speaking on an issue before the council is of doubtful legality. A three-member council may decide to require a unanimous vote for this motion to pass.

Motion 6. To Go into Closed Session. The council may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the council expects to receive advice during the closed session, if in fact such advice is to be received.

Comment: The requirements for this motion are found in G.S. 143-318.11(c). They include extra requirements for motions based on G.S. 143-318.11(a)(1), and for those motions based on G.S. 143-318.11(a)(3) that concern a closed session where the council expects to receive advice about an existing lawsuit or lawsuits. G.S. 143-318.11(a)(1), cited in the rule, allows closed sessions "[t]o prevent the disclosure of information that is privileged or confidential pursuant to the law of [North Carolina] or the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes." Part of G.S. 143-318.11(a)(3), also cited, allows the council in closed session to "consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure."

Motion 7. To Leave Closed Session.

Comment: This motion provides a procedural mechanism for returning from closed session to an open meeting. Under the open meetings law, public bodies probably must return to open session once they have concluded their closed session business, even if they have no other business to transact except adjourning the meeting.

Motion 8. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Comment: This motion is the same as the two motions division of a question and consideration by paragraph in *RONR*, except that it is debatable.

Motion 9. To Defer Consideration. The council may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires [100] days thereafter.

unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 18(b), Motion 14], or else move to suspend the rules [Rule 18(b), Motion 5].

Comment: This motion allows the council temporarily to defer consideration of a proposal. It may be debated and amended. A motion that has been deferred dies if it is not taken up by the council (via a motion to revive consideration, Rule 18(b), Motion 14) within a specified number of days of the vote to defer consideration. One hundred days is merely a suggested period of time. Note the restriction on making a new motion with the same effect while a motion remains deferred.

This motion should be distinguished from the motion to postpone to a certain time or day (Rule 18, Motion 11). A matter that has been postponed to a certain time or day is brought up again automatically when that time arrives. Council action (approval of a motion to revive consideration) is required, however, before the council may again consider a substantive motion of which the consideration has been deferred under this motion.

Motion 10. Motion for the Previous Question. The motion is not in order until there have been at least [20] minutes of debate, and every member has had an opportunity to speak once.

Comment: This motion differs from the motion of a similar name in *RONR*. The *RONR* motion is always in order, is not debatable or amendable, and requires a two-thirds vote for adoption. Thus it may be used to compel an immediate vote on a proposal without any debate on the issue. Such a device may be necessary to preserve efficiency in a large assembly. With a small board, however, a minimum period of debate on every proposal that comes before it strikes a better balance between efficiency and effective representation by all council members. Since every member will have an opportunity to speak, the debate may be ended by a majority vote. Twenty minutes is merely a suggested period of time.

Note that this rule avoids the practice followed by some boards of allowing any member to end debate by simply saying “call the question,” without the council actually taking a vote on that procedural issue. Such a practice is contrary to regular parliamentary procedures. In addition, it allows individual members to impose their will unilaterally on the group, in defiance of the principle of majority rule on which these rules are based.

Motion 11. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules [Rule 18(b), Motion 5].

Comment: This motion allows the council to postpone consideration to a specified time or day and is appropriate when more information is needed or the deliberations are likely to be lengthy. It should be distinguished from the motion to defer consideration (see *Comment* to Rule 18(b), Motion 9). Note the restriction on making a new motion with the same effect while a postponed motion remains pending.

Motion 12. To Refer a Motion to a Committee. The council may vote to refer a substantive motion to a committee for its study and recommendations. [Sixty] days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire council, whether or not the committee has reported the matter to the council.

Comment: This motion is the same as the motion of the same name in *RONR*, except that the right of the introducer to compel consideration by the full council after a specified period of time prevents using the

motion as a mechanism to defeat a proposal by referring it to a committee that is willing to “sit” on it. If the council does not use committees, this motion is unnecessary.

Motion 13. To Amend. (a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed ordinance [order] [policy] [resolution] shall be reduced to writing before the vote on the amendment.

Comment: This motion is similar to the motion to amend in *RONR* except for the additional requirement to write down amendments to longer, typically more complex items such as ordinances or resolutions, discussed below.

The restriction on amendments stated in part 13(a), second sentence, of the provisions concerning this motion should be read narrowly; it is intended only to prevent an amendment that merely negates the provisions of the original motion. The intent of such an amendment can be achieved in a simpler and more straightforward manner by the defeat of the original proposal. Pertinent amendments that make major substantive changes in the original motion are quite proper.

Some councils allow a “substitute motion” when major changes in a motion are proposed. Such a motion is in effect a type of amendment. To avoid confusion, “substitute motions” are not allowed under these rules. All proposals for changes in a motion or in an amendment are treated as motions to amend, no matter how major their potential effect.

Part 13(b) of the rules governing this motion limits the number of proposed amendments that may be pending at one time to two, in order to reduce confusion. Amendments are voted on in reverse order; that is, the last-offered amendment, which would amend the first amendment, is voted on first. Once the last-offered of the two pending amendments is disposed of, an additional amendment may be offered.

Part 13(c) of the rules for this motion imposes an additional writing requirement for amendments to ordinances and other, sometimes lengthy, documents such as orders, policies, or resolutions. While the council may choose the types of items to which it wishes the writing requirement to apply, the rule assumes that amendments to proposed ordinances, like the ordinances themselves, should be in written form before they are voted on, both because of the importance of ordinances and to make it easier to maintain the required ordinance book (see G.S. 160A-78) and the minutes of the council accurately [see G.S. 160A-72 and 143-318.10(e)]. Similarly, amendments to orders, policies, and resolutions should be in written form before they are voted on, because of their significance and to make it easier to record them in the minutes.

Some councils may have a practice of requiring the person making the original motion to approve of any proposed amendments to that motion. Such a practice is not recommended. Once a motion has been offered to the council, it is up to the council to decide whether or not it should be changed by amendment. If the person making the motion does not favor a proposed amendment, he or she is free to vote against it. And so long as the original motion has not been voted on and no amendment to it has passed, the introducer is free under these rules to withdraw it (see Rule 20). If a motion has been withdrawn, the council members are generally free to make their own separate motions on the same subject.

Motion 14. To Revive Consideration. The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 18(b). The motion is in order at any time within [100] days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires [100] days after the deferral unless a motion to revive consideration is adopted.

Comment: This motion replaces the motion “to take up from the table” in *RONR* and was renamed in order to avoid confusion. This motion may be debated and amended, whereas the motion in *RONR* may not. If the motion to revive consideration is not successful within the specified number of days of the date on which consideration was deferred, the substantive motion expires. Its subject matter may be brought forward again by a new motion. One hundred days is merely a suggested period of time; the number of days specified here should be the same as in Rule 18(b), Motion 9.

Motion 15. To Reconsider. The council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the “nos” prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess [or adjournment] to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

Comment: According to *RONR*, the motion may be made at the same meeting as the vote being reconsidered or on the next legal day and may interrupt deliberation on another matter. To avoid placing a measure in limbo, these rules restrict the availability of the motion to the same meeting as the original vote, including any continuation of that meeting if it is recessed or adjourned to a time and place certain pursuant to Rule 2(c) and Rule 18(b), Motion 2. If a member wishes to reverse an action taken at a previous meeting, he or she may generally make a new motion having the opposite effect of the prior action. Note that in some cases reversal may not be possible; for example, where rights have vested because of the original vote, or where a binding contract has already been signed in reliance on that decision. The motion to reconsider is permitted under these rules only when action on a pending matter concludes.

Motion 16. To Rescind or Repeal. The council may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

Comment: Each meeting of a city council is in many respects a separate legal event. Unless prohibited by law, a council may at a subsequent meeting “undo” action taken at a previous meeting.

It should be noted for the sake of technical correctness that while *RONR* and these rules treat the motion to rescind as a procedural motion because it acts upon a substantive motion, it is probably more correct in many ways to regard the rescission motion as a new substantive motion in its own right. The motion that it changes is a substantive motion that was adopted at a previous meeting. The substantive action has been completed, and the motion is no longer really “alive” to be modified procedurally as it was at the meeting at which it was adopted.

The motion to rescind is in order only for those measures adopted by the council that can legally be repealed or rescinded. It is not intended to suggest that the council may unilaterally rescind a binding contract, or may repeal an action where a person’s rights have already vested.

Motion 17. To Prevent Reintroduction for [Six] Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual membership of the council excluding the mayor, unless he or she may vote in all cases, and vacant seats. If adopted, the restriction imposed by the motion remains in effect for [six] months or until the next organizational meeting of the council, whichever occurs first.

Comment: This is a “clincher” motion to prevent the same motion from being continually introduced when the subject has been thoroughly considered. There is no comparable motion in *RONR*, although the objection to consideration of a question accomplishes much the same purpose.

Because this motion curtails a member’s right to bring a matter before the council, the required vote is

two-thirds of the actual membership of the council, excluding the mayor, unless he or she is entitled to vote on all matters, and excluding vacant seats. This supermajority requirement is imposed because such a two-thirds vote is needed for the council to adopt certain items. The same number of votes should be required if the council is to forbid dealing further with such an issue. Thus if a council has seven members, a nonvoting mayor, and no vacant seats, five members (enough to equal two-thirds or more of seven) must vote for the motion. If the same council has one vacant seat, four members (two-thirds of six) must vote for it.

As with every other motion, a clincher motion may, in effect, be dissolved by a motion to suspend the rules [see Rule 18(b), Motion 5]. Six months is merely a suggested time; the council may shorten or lengthen the time as it sees fit. In order to give a new council a clean slate, the motion is not effective beyond the next organizational meeting of the council.

Rule 19. Renewal of Motion

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reintroduction has been adopted.

Comment: As noted in the *Comment* to Rule 18(b), Motion 16, in North Carolina each meeting of a city council is in many respects a separate, new event. Thus, while matters of old business may be carried over from one meeting to another, it is also the case that matters that are disposed of at one meeting may be brought up again at a subsequent meeting through a new motion, unless a motion to prevent reintroduction was previously adopted [Rule 18(b), Motion 17].

Rule 20. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

Comment: *RONR* provides that once a motion has been stated by the presiding officer for debate, it cannot be withdrawn without the assembly's consent. Such a procedure is unnecessary for a small board. However, this rule does prohibit withdrawing motions after they have been amended. Once a motion has been amended, it is no longer the same motion as was made by the introducer, so it is no longer his or hers to withdraw.

Rule 21. Duty to Vote

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

Comment: This rule states most of the requirements of the first paragraph of G.S. 160A-75.

Rule 22. Introduction of Ordinances

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the council.

Comment: G.S. 160A-75 provides that an ordinance may not be finally adopted at the meeting at which it is introduced except by a two-thirds vote of all the actual membership of the council, excluding vacant seats and not including the mayor unless he or she has the right to vote on all questions before the council. The statute also specifies that an ordinance is deemed to be introduced “on the date the subject matter is first voted on by the council.” A “vote on the subject matter” is not defined; some authorities think that a vote on the ordinance itself is required, while others think that any vote pertaining to the ordinance’s subject matter (for example, a vote to refer the subject of an ordinance to a committee for further study) is sufficient to satisfy the definition. The city attorney should be consulted for guidance on this matter.

Rule 23. Adoption of Ordinances and Approval of Contracts

(a) **Generally.** An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue (including the mayor’s vote in case of an equal division) shall be required to adopt an ordinance, to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all the actual membership of the council, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the council. No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

Comment: This rule paraphrases the special voting requirements in the second paragraph of G.S. 160A-75 for adoption of ordinances and approval of contracts. (Special voting rules for authorizing or committing the expenditure of public funds are also found in this paragraph. In most cases, however, these latter requirements are superseded by the more specific provisions of G.S. 159-17 detailed in Rule 24.)

See Rule 22 and the accompanying *Comment* for the definition of “introduction” of an ordinance. Although it may seem obvious that ordinances should be in writing before they are voted on (see, for example, the requirements of Rule 4(a) concerning copies of proposed ordinances), this requirement is stated explicitly so that there can be no doubt on the matter. See also Procedural Motion 13 in Rule 18(b) concerning amendment of ordinances, and G.S. 160A-76(a) for requirements for franchises, including the requirement of adoption of franchise ordinances at two regular meetings.

b) **Zoning Protest Petitions.** An affirmative vote equal to three-fourths of all the members of the city council shall be required for an ordinance making a change in a zoning regulation, restriction, or boundary to become effective, if a valid protest petition is received in accordance with the requirements set out in G.S. 160A-385(a) and G.S. 160A-386. This rule shall not apply in those cases excepted by G.S. 160A-385(a).

Comment: This paragraph states the three-fourths vote requirement of G.S. 160A-385(a), which applies when neighboring property owners, as defined in the statute, protest a proposed rezoning and file a proper petition with the city clerk in a timely manner under G.S. 160A-386. Some zoning changes such as initial zonings of property added to the ordinance’s coverage, and certain amendments to adopted special or conditional use districts, are not covered by the three-fourths vote requirement. These exceptions are specified in G.S. 160A-385(a). The three-fourths rule applies to zoning ordinances *only*.

Rule 24. Adoption of the Budget Ordinance

Notwithstanding the provisions of any city charter, general law, or local act:

- (1) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the council by a simple majority of those present and voting, a quorum being present;
- (2) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the council; and
- (3) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any city charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to the council and ending with the adoption of the budget ordinance, the council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each member of the board has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule does not allow, and may not be construed to allow, the holding of closed meetings or executive sessions by the council if it is otherwise prohibited by law from holding such a meeting or session.

Comment: This rule is G.S. 159-17 with minor modifications. G.S. 159-17 also provides that no general law, city charter, or local act that is enacted or takes effect after July 1, 1973, may be construed to modify, amend, or repeal any portion of this law unless it expressly so provides by specific reference to it. Since the notice requirements of the Open Meeting Law continue to apply to meetings held to work on the budget ordinance, the only practical effect of the second paragraph of this rule is to eliminate the need for any special notification of council members concerning such meetings. Many councils find it useful procedurally when working on the budget simply to recess or adjourn a single meeting several times until they have finished their work [see Rule 2(c)].

Rule 25. Special Rules of Procedure

The board may adopt its own special rules of procedure, to be specified here.

Comment: Some boards may wish to provide special rules for certain situations, either because of statutory requirements or other concerns.

Rule 26. Closed Sessions

The council may hold closed sessions as provided by law. The council shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The council shall terminate the closed session by a

majority vote.

Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

Comment: This rule states some of the requirements of G.S. 143-318.11(c) for calling closed sessions. In particular, note the special requirements for motions to call closed sessions that are based on G.S. 143-318.11(a)(1) or, in some cases, on G.S. 143-318.11(a)(3). No attempt is made here to set forth all of the provisions of the open meetings law concerning the purposes for which closed sessions may be held and the actions that may be taken in closed session; specific information can be found in G.S. 143-318.11(a). Note, however, that adjournment is not an action authorized by statute to be taken during a closed session. Minutes and general accounts of closed sessions are discussed in Rule 30.

Rule 27. Quorum

A majority of the actual membership of the council plus the mayor, excluding vacant seats, shall constitute a quorum. A majority is more than half. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

Comment: This is G.S. 160A-74, with the addition of the usual definition of “majority.” Note that the mayor is counted for quorum purposes regardless of whether he or she has the right to vote on all questions.

Rule 28. Public Hearings

Public hearings required by law or deemed advisable by the council shall be organized by a special order (adopted by a majority vote) that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to council meetings shall also apply to public hearings at which a majority of the council is present; such a hearing is considered to be part of a regular or special meeting of the council. These requirements also apply to hearings conducted by appointed or elected committees of the council, if a majority of the committee is present. A public hearing for which any notices required by the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the council is present.

The council may vote to delegate to city staff members, as appropriate, the authority to schedule, call, and give notice of public hearings required by law or the council. The council shall provide adequate guidelines to assist staff members in fulfilling this responsibility, and it shall not delegate the responsibility in cases where the council itself is required by law to call, schedule, or give notice of the hearing.

At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding

officer shall entertain or make a motion to end the hearing.

Comment: City councils may be required or may desire to hold public hearings from time to time concerning particular matters. G.S. 160A-81 provides that public hearings may be held at any place within the city or within the county where the city is located. It also gives the council the authority to adopt reasonable rules governing the conduct of the hearing (specifically including the type of rules listed here) and to continue public hearings without further advertisement.

Public hearings, like other council meetings, are also subject to the notice, continuation, and other requirements of the open meetings law, if a majority of the council is present at the hearing, since legally such a hearing is part of a meeting of the board. Appointed or elected committees of the council are also covered by this law. These requirements are reflected in this rule. In keeping with the spirit of the open meetings law, the rule requires that all persons desiring to be present at a hearing covered by that law be given the opportunity to listen to the proceedings—outside the meeting room, if necessary—if the room is too small to accommodate all of them. Informational hearings that involve less than a majority of the council and that do not involve a council committee are discussed in the *Comment* to Rule 29.

Some councils allow staff members to schedule, call, and give notice of public hearings on the council's behalf. This rule allows for that practice, except where otherwise limited by law, but it also requires an explicit delegation of authority by the council and clear guidelines for the exercise of the delegated authority. Courts are often very particular about the procedural requirements for public hearings. It is important that the council insure that staff members are not acting “on their own” but with properly delegated authorization from the council, when they schedule, call, and give notice of public hearings.

Some councils vote to open and close public hearings, while others simply allow the mayor or other presiding officer to declare the hearing open and closed. Either practice is acceptable, and the council may choose either option as its rule.

Rule 29. Quorum at Public Hearings

A quorum of the council shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular council meeting without further advertisement.

Comment: G.S. 160A-81 implies that a quorum of council members is necessary for a public hearing by providing that a hearing shall be deferred to the next regular meeting if a quorum is not present at the originally scheduled time. If, however, the council decided to hold a public hearing that was not required by state law to gather a consensus of public opinion on an issue, it could hold the hearing at several sites, with a few members in attendance at each place. Such a hearing would not be subject to the quorum requirement of G.S. 160A-81. Note also that if a majority of the council was not present at such a hearing, it would not be subject to the notice, continuation, and other requirements of the open meetings law, unless the council members conducting the hearing were a majority of an appointed or elected council committee (see Rule 32).

Rule 30. Minutes

Full and accurate minutes of the council proceedings, including closed sessions, shall be kept. The board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be

recorded in the minutes, and on the request of any member of the council, the “ayes” and “nos” upon any question shall be taken. Members’ and other persons’ comments may be included in the minutes if the council approves.

Minutes and general accounts of closed sessions may be sealed by action of the council. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

Comment: G.S. 160A-72 requires that full and accurate council minutes be maintained, and G.S. 143-318.10(e) requires that full and accurate minutes be kept of all official meetings of all public bodies, including closed sessions [G.S. 143-318.11(a)]. The minutes are the official legal record of council actions and are a matter of public record. To be “full and accurate,” they must include all actions taken by the council and must note the existence of conditions needed to take action, such as the existence of a quorum. However, the minutes need not record the council's discussion. Particular comments by members or other persons may be included in the minutes if the council so desires. Since the council usually takes action by motion (Rule 10), all motions that are made must be included in the minutes, along with a record of the motions’ disposition. G.S. 160A-72 also allows any member to request that the minutes include a record of how each member voted (the “ayes and noes”).

Under the open meetings law, the council must also keep a “general account” of what transpires in closed sessions, so that a person not in attendance would have a reasonable understanding of what transpired. This wording probably requires that a somewhat more detailed account of these sessions be kept than would typically be found in the minutes, especially if the minutes record only actions and conditions needed to take action. The council should consult the city attorney and the bulletins mentioned in the next paragraph concerning what general accounts of closed sessions should include.

Finally, the rule includes the permission granted in G.S. 143-318.11(e) to withhold minutes and general accounts of closed sessions from public inspection for as long as necessary to avoid frustrating the purpose of the closed session. The council should vote to seal these records if it wishes to do so or is advised to do so by its attorney. It must also provide for their unsealing, either by council action or by action of an agent of the council such as the city attorney, if and when the closed session's purpose would no longer be frustrated by making these records public. For a discussion of the legal requirements for minutes and general accounts of closed sessions, see the following publications by David M. Lawrence: “1997 Changes to the Open Meetings and Public Records Laws,” *Local Government Law Bulletin* 80 (August 1997) and “The Court of Appeals Addresses Closed Sessions for Attorney-Client Discussions,” *Local Government Law Bulletin* 93 (March 2000).

Rule 31. Appointments

The council may consider and make appointments to other bodies, including its own committees, if any, only in open session. The council may not consider or fill a vacancy among its own membership except in open session.

The mayor shall not have a right to vote on appointments.

Rather than proceeding by motion, the council shall use the following procedure to make appointments to various other boards and offices: The appointment committee of the council shall report on nominations received and reviewed, and make its appointment recommendations, if any. The mayor shall then open the floor for nominations, whereupon the names of other possible appointees may be put forward by the council members. The names submitted by the committee and by individual council members shall be debated. When the debate ends, the mayor shall call the roll of the members, and each member shall cast his or her vote.

The nominee(s) receiving the highest number of votes shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled. A member must cast all of his or her votes and cast them for different nominees.

The voting shall continue until one nominee receives a majority of the votes cast, whereupon he or she shall be

appointed. If more than one appointee is to be selected, then each member shall have as many votes in each balloting as there are slots to be filled, and votes from a majority of the members voting shall be required for appointment. During each balloting, a member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single candidate.

Comment: The first paragraph of this rule states some of the requirements of the open meetings law concerning appointments by the council. The options presented in the following paragraphs detail some of the possible methods that may be used to make appointments. If the council wishes to vote by written ballot, it should consult Rule 15, which states the requirements of the open meetings law for use of written ballots by public bodies.

As noted in the *Comment* to Rule 7, under G.S. 160A-69, mayors generally have the right to vote only when there are equal numbers of votes in the affirmative and the negative. In an election where appointees are being chosen, no “yes” and “no” votes are cast, and a mayor who votes only to break ties cannot vote. On the other hand, a mayor who is allowed by law to vote on all questions can vote for appointments, just as he or she can vote for anything else.

The procedure outlined uses nominations, rather than a motion and vote for each individual candidate. A nomination procedure allows all council members an opportunity both to propose and to vote for their preferred candidates, and it avoids situations such as the following.

Suppose that the Colorful City Council uses motions to appoint persons to various positions. After being recognized by the mayor, council member Smith moves to appoint candidate Green. This causes a quandary for council member Jones. She likes candidate Green, but her first preference is candidate Black. However, she is afraid that if candidate Green is defeated, another council member may be recognized to nominate candidate White, whom she dislikes intensely, before she is recognized to nominate candidate Black. Should she vote for candidate Green, improving his chances of winning, or hold out for the chance to do battle with White’s nominator in catching the mayor’s eye?

By contrast, if the Colorful Council were to follow the nomination and election procedure, it could avoid such fights and give everyone a chance to vote for the candidate of their choosing.

Several councils use an appointment committee. The committee receives nominations from the council members, reviews the nominees’ qualifications, and reports its recommendations to the full council. This procedure is provided for by the optional language in the second paragraph of the rule. Many councils also use public advertisements to solicit applications for appointment from citizens.

If an appointment committee is used, at least one other voting option besides those listed in the rule is available for multiple appointments to a single board. The council may require the appointment committee to submit a slate containing as many nominees as there are vacancies to be filled on a particular board. Each council member then votes for or against the slate as presented.

See Rule 32 concerning the applicability of the open meetings law to all council committees, including the appointment committee.

Rule 32. Committees and Boards (See Section 2-26 of City Code)

(a) Establishment and Appointment. The council or the mayor, if the mayor is delegated that power by the council, may establish and appoint members for such temporary and standing city committees and boards as are needed to help carry on the work of city government. Any specific provisions of law relating to particular committees and boards shall be followed.

(b) Open Meetings Law. The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of the city that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi judicial, administrative, or advisory functions. However, the law’s requirements shall not apply to a meeting solely among the city’s professional staff.

Comment: The city council is authorized by G.S. 160A-146 to “create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the city government . . .” subject to certain limitations. It is also customary in many communities for the mayor to appoint various committees to aid the council in its work, although it is up to the council to decide whether or not the mayor will be delegated this power. The only board that mayors have statutory power to appoint are housing authorities. G.S. 157-5. Other specific statutes govern some of these committees and boards; G.S. 160A-388(a), for example, regulates establishment of and appointments to boards of adjustment. The general requirements of Rule 31 for appointments by the council should also be kept in mind.

Rule 32(b) states requirements of G.S. 143-318.10(b) and (c) (parts of the open meetings law). In determining if a group is covered by the open meetings law, whether the group is called a commission, authority, or committee is generally not important, nor does it matter who within the city government established the group.

Some ambiguities exist concerning the open meetings law’s coverage with respect to cities. For example, the law does not apply to “a meeting solely among the professional staff of a public body.” The scope and meaning of this statutory phrase is unclear. For more information on the law, see David M. Lawrence, *Open Meetings and Local Governments in North Carolina: Some Questions and Answers*, 5th ed. (Chapel Hill: Institute of Government, 1998).

Rule 33. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the city charter, general law, and generally accepted principles of parliamentary procedure. Adoption of an amendment shall require an affirmative vote equal to or greater than two-thirds of all the actual membership of the council, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the council.

Comment: City councils may generally amend their rules of procedure whenever they choose, so long as the amendment, like the rules being amended, is consistent with the city charter, general law, and generally accepted principles of parliamentary procedure. G.S. 160A-71(c). Because certain board actions require a two-thirds vote (see, for example, some of the requirements in Rule 23(a), which implements G.S. 160A-75), that standard must also be met to approve an amendment to these rules, which are the guidelines under which such actions are taken.

Rule 34. Reference to *Robert’s Rules of Order Newly Revised*

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the council shall refer to *Robert’s Rules of Order Newly Revised*, to answer unresolved procedural questions.

Comment: *RONR* was designed to govern a large legislative assembly, and many of its provisions may be inappropriate for small boards. Nevertheless, it is a good source of parliamentary procedure; care should simply be taken to adjust *RONR* to meet the needs of small governing boards such as city councils.

Appendix

Permitted Procedural Motions in Order of Precedence¹

Motion	Vote Required ²	Special Requirements
1. To Appeal a Procedural Ruling of the Presiding Officer	Majority	Is in order immediately after the presiding officer announces a procedural ruling, as specified in Rule 7, and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.
2. To Adjourn	Majority	May not interrupt deliberation of pending substantive matter. Motion to [recess] [adjourn] to a time and place certain must also comply with Rule 2(c).
3. To Take a Brief Recess	Majority	None
4. Call to Follow the Agenda	Majority	Must be made at first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.
5. To Suspend the Rules	Two-Thirds	The council may not suspend provisions of the rules that state requirements imposed by law on the council.
6. To Go into Closed Session	Majority	Motion must cite one or more of the permissible purposes for closed sessions listed in G.S. 143-318.11(a) and must be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) must also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318.11(a)(3) must identify the parties in each existing lawsuit concerning which the council expects to receive advice during the closed session, if in fact such advice is to be received.
7. To Leave Closed Session	Majority	
8. To Divide a Complex Motion	Majority	None

and Consider it
by Paragraph

9. To Defer Consideration	Majority	A substantive motion the consideration of which has been deferred expires [100] days thereafter unless a motion to revive consideration (Motion 14) is adopted. While a deferred motion remains pending, a new motion with the same effect cannot be introduced. CAUTION: Do not confuse with Motion 11.
10. Motion for the Previous Question	Majority	Not in order until there have been at least [20] minutes of debate, and every member has had an opportunity to speak once.
11. To Postpone to a Certain Time or Day	Majority	None. While a postponed motion remains pending, a new motion with the same effect cannot be introduced. CAUTION: Do not confuse with Motion 9.
12. To Refer a Motion to a Committee	Majority	[60] days or more after a motion is referred to a committee, the introducer may compel consideration of the measure by the council, regardless of whether the committee has reported the matter to the council.
13. To Amend	Majority	(a) Amendments must be pertinent to the subject matter of the motion being amended. An amendment is improper if adoption of the motion with that amendment added has the same effect as rejection of the original motion. A proposal to substitute a different motion shall be treated as a motion to amend. (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote. (c) Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.
14. To Revive Consideration	Majority	In order at any time within [100] days after the day of a vote to defer consideration (Motion 9). Failure to adopt Motion 14 within the [100] day period results in expiration of the deferred substantive motion.
15. To Reconsider	Majority	Must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the “nos” prevail). May only be made at the meeting at which the original vote was taken, including any continuation of that meeting through [recess] [adjournment] to a time and place certain. Cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.
16. To Rescind or Repeal	Majority	Not in order if rescission or repeal of an action is forbidden by law.
17. To Prevent Reintroduction	Two-Thirds	In order immediately following defeat of a substantive motion

for Six
Months

and at no other time. If adopted, the
restriction imposed by the motion remains in effect for six months or until
the next organizational meeting of the council, whichever occurs first.

1. Under these rules all procedural motions are debatable and none requires a second. All may be amended, subject to the stated limitations on motions to amend (Motion 13). Except where indicated otherwise, procedural motions may interrupt deliberations on a pending substantive matter.

2. The required vote for adoption of a procedural motion is generally a majority of the votes cast, a quorum being present. In a few cases, the required vote is a vote equal to two-thirds of the actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats.

Rules of procedures adopted by the Board of Aldermen on July 31, 2010.

Mayor

Attest:

City Clerk

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- *The council must meet in order to act.* The powers granted to the council belong to the council as a body, not to individual members, who may not act for the council except pursuant to valid delegations of authority.
- *Members of the council are equal participants.* Each member has the right to propose motions, to debate, to vote, and to exercise any other privilege of membership. At the same time, each member is bound by reciprocal obligations, such as the duty to protect the rights of fellow members.
- *Members must receive proper notice of council meetings.* Because each member has the right to participate in meetings, members should have reasonable notice of each meeting's time, place, and purpose. This principle has been codified in statutory provisions that require member notification when the council holds a meeting that is not on its regular meeting schedule.⁵
- *A quorum is necessary for the council to act.* The default rule for most deliberative bodies is that a quorum consists of a majority of a body's members, but state law specifies the method for determining whether a quorum of the city council is present.⁶
- *There must be an opportunity for debate.* The council is a deliberative body, that is, a body of persons who meet "to discuss and determine upon common action."⁷ Members cannot be expected to form collective judgments unless they can exchange information and opinions concerning issues before the council.
- *Questions must be decided by voting.* Voting is the mechanism by which the council expresses its collective will.⁸
- *A majority vote is required to take action.* Inasmuch as the council operates democratically, the will of the majority is regarded as the will of the council.⁹ The term "majority vote" usually means more than half of lawful votes cast, a quorum being present; however, state law or a council's own procedures may demand larger majorities for certain actions.
- *Meetings of the council must be characterized by fairness and good faith.* Part of conducting a meeting fairly is applying the council's procedural rules consistently.

5. Section 160A-71(b) of the North Carolina General Statutes (hereinafter "G.S.).

6. G.S. 160A-74. The provisions of this statute are incorporated into Rule 2 and discussed in the *Comment*

The consistent application of the rules ensures that members are treated the same, whatever their viewpoints on particular issues. A member who tries to manipulate the council through fraud, trickery, or deception violates his or her obligation to act in good faith.

The above principles permeate these rules. For example, consistent with the right of members to engage in debate, Rule 31 (Motion 9) does not permit the council to entertain a motion to end debate on a pending matter until every member has had a chance to speak at least once. The requirement in Rule 26 that motions pass by majority vote recognizes the fundamental place of majority rule in deliberative bodies.

A number of these rules restate procedural requirements imposed on the city council by state law. As a public body, the council must abide by the public access, notice, and other provisions of the open meetings law.¹⁰ The demands of the open meetings law are reflected most conspicuously in Part III (Open Meetings) and Part V (Types of Meetings) of this volume. Rule 33 comports with G.S. 160A-75, the statute governing the number of votes necessary to adopt an ordinance or take any action having the effect of an ordinance. The other points at which these rules incorporate statutory requirements are too numerous to mention here but are documented in the commentary and footnotes.

City charters—local acts by which individual cities are established—constitute another major source of procedural requirements. Inasmuch as charters differ widely from city to city, it is impossible for these rules to account for their variations. Before adopting these rules, however, the council should take care to determine whether one or more rules must be modified to comply with its charter.

Many of the specifics in these rules are not dictated by fundamental parliamentary principles or by statute. Instead, they correspond more or less to procedures recommended by *Robert's* or other prominent manuals of procedure. The council has broad discretion to modify or omit any provision that does not embody parliamentary law or statute, and that is not mandated by its charter, even if the variation deviates from *Robert's*.¹¹ For instance, the restrictions in Rule 31 on motions to reconsider—who may make them and when they may be offered—could be relaxed without violating parliamentary or state law. Similarly, although Rule 22 eliminates the practice of requiring seconds to motions, the council could substitute its own rule to the contrary.

This fourth edition of *Suggested Rules of Procedure for a City Council* also bears the imprint of countless hours that faculty members at the School of Government have spent

10. G.S. 143-318.9, -318.18.

Suggested Rules of Procedure

Part I. Applicability

Rule 1. Applicability of Rules

These rules apply to all meetings of the [_____] City Council.¹ For purposes of these rules, a meeting of the council occurs whenever a majority of the council's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the council's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

Comment: A city council may adopt rules of procedure, so long as they do not conflict with its charter, general law, or generally accepted principles of parliamentary procedure.² The suggested rules in this volume incorporate pertinent statutory requirements, important judicial decisions on procedural issues, and general parliamentary principles. Some councils will need to modify one or more of these suggested rules to conform to provisions in their charters.

The effect of Rule 1 is to make these rules applicable to any gathering of council members covered by the open meetings law, which imposes public notice, access, and other requirements on the official meetings of public bodies.³ For purposes of that law and these rules, members are deemed to hold an official meeting whenever

1. In North Carolina, the legal status and authority of a municipality is the same, regardless of whether it is denominated a city, town, or village. See G.S. 160A-1(2) (defining the term "city" as used in Chapter 160A to mean "a municipal corporation . . . having the powers, duties, privileges, and immunities conferred by law on cities, towns, and villages"). The same is true of a municipal governing board, which may be known as a council, board of aldermen, or board of commissioners. See G.S. 160A-1(3) (noting that the term "council" as used in Chapter 160A is interchangeable with the terms "board of aldermen" and "board of commissioners"). These rules employ the term "city council" for the sake of convenience and in deference to the terminology found in Chapter 160A, the primary statutes governing municipal corporations.

2. G.S. 160A-71(c).

3. G.S. 143-318.9, -318.18.

a majority of them come together in one place or gather simultaneously by electronic means to conduct public business within the council's real or apparent jurisdiction.⁴ On the other hand, purely social and other informal gatherings do not qualify as meetings of the council, unless they are called or held to evade the spirit and purposes of the open meetings law.⁵

As indicated by the word "deliberate" in Rule 1, these rules extend to gatherings at which a majority of council members discuss city business, even if no action is taken.

Because of the peculiar wording of G.S. 160A-74, the quorum statute for city councils, the number of members sufficient to trigger the open meetings law may in some instances be smaller than the number necessary to constitute a quorum. See Rule 2 and the *Comment* thereto for a more detailed explanation of this point.

Part II. Quorum

Rule 2. Quorum

The presence of a quorum is necessary for the council to conduct business. A majority of the council's actual membership plus the mayor, excluding vacant seats, constitutes a quorum. A member who withdraws from a meeting without being excused by majority vote of the remaining members in attendance is deemed present for quorum purposes.

Comment: This rule complies with G.S. 160A-74. In accordance with Rule 1, the term "majority" as used here should be understood to mean a simple majority, that is, more than half.⁶

General. The term "quorum" refers to the minimum number of members who must be present for a body to conduct business.⁷ It usually does not refer to the number of members who vote on a particular motion.⁸

The mere existence of a quorum does not always mean that the council has enough members present to take a particular action. As set out in Rule 26 and the *Comment* thereto, a simple majority—more than half—of votes cast, a quorum being present, is sufficient to adopt most motions; however, some actions that may

be taken by city councils are subject to larger voting requirements imposed by statute or these rules. See, for example, the voting requirements in Rule 33 for the adoption of ordinances.

Withdrawal from meeting. By stipulating that a member who withdraws from a meeting without being excused still counts as present, G.S. 160A-74 and this rule deny any single member the power to deprive the council of a quorum merely by stepping out of the council chamber.

Quorum calculations. The peculiar wording of the quorum statute has led to confusion. Some have read it quite literally to require the presence of both a majority of a council's members and the mayor for a quorum to exist. It is clear, however, that the General Assembly did not intend for the statute to be interpreted in this way. For one thing, such a literal reading of G.S. 160A-74 would effectively invalidate G.S. 160A-70, the statute that requires the council to select a mayor pro tempore. General Statute 160A-70 allows the council to confer any of the mayor's powers and duties on the mayor pro tem "[d]uring the absence of the mayor" and to "elect from its members a temporary chairman to preside" when "both the mayor and the mayor pro tempore are absent from a meeting." If there could be no quorum without the mayor, G.S. 160A-70 would be largely pointless because the mayor's absence would leave the council powerless to conduct business.

The provisions of the city quorum statute and this rule are best viewed as a math formula. The quorum for a city council consists of a majority of X. The statute and Rule 2 tell us to calculate X by adding the mayor to the council's total membership and subtracting vacant seats. In other words, they direct us to view the mayor as part of the council for quorum purposes. This is true regardless of whether the mayor may vote on all questions or only to break a tie vote.

Suppose a five-member council has no vacancies. The quorum for the council may be calculated as follows:

$$\begin{array}{r} 5 \text{ (Total number of council seats)} \\ + 1 \text{ (mayor)} \\ - 0 \text{ (no vacancies)} \\ \hline 6. \end{array}$$

Quorum = 4 (more than $\frac{1}{2}$ of 6).

Because the mayor is treated as part of the council in quorum determinations, any four members or the mayor and any three members constitute a quorum of

The table in Appendix A is intended to simplify quorum determinations. It identifies the number needed for a quorum based on the council's size and the number of vacant seats.

Quorum and the open meetings law. The public notice and access provisions of the open meetings law apply whenever a "majority" of a public body's members gather to transact public business within the body's real or apparent jurisdiction.⁹ Because the open meetings law employs the term "majority" rather than "quorum," it is sometimes possible for the law to be triggered by a gathering of council members, even when a quorum of the council is not present. Consider again the hypothetical five-member council referred to above. Although four members (or three members plus the mayor) are necessary for a quorum, the gathering of any three members to discuss city business is subject to the open meetings law because three members equal a majority of the council. If members fail to grasp this point, they might violate the open meetings law unintentionally.

Remote participation. Some councils allow members who are not physically present to take part in meetings electronically. Rule 3 and its *Comment* address the implications of this practice for quorum calculations.

Part III. Open Meetings¹⁰

Rule 3. Remote Participation in Council Meetings

No member who is not physically present for a council meeting may participate in the meeting by electronic means except in accordance with a policy adopted by the council. Although a member who attends a meeting electronically pursuant to such a policy may take part in debate, the member may neither be counted toward a quorum nor vote on any matter before the council.]

Comment: Although the open meetings law acknowledges the possibility of remote (electronic) participation by the members of public bodies,¹¹ no statute expressly authorizes council members who are not physically present to take part in city council meetings. Consequently, if a council elects to allow remote participation, it

should spell out the conditions under which members may participate in meetings via conference call, Skype, or similar devices or applications.

Given the lack of explicit statutory authority for remote participation, the city council runs the risk of having its actions invalidated if it relies on a member who is not in the meeting room to establish a quorum or to cast the deciding vote on a matter. The optional language in brackets is for councils that do not want to run that risk.¹²

Rule 4. Meetings to Be Open to the Public

Except as permitted by Rule 5, all meetings of the council shall be open to the public, and any person may attend its meetings.

Comment: The presumption under the open meetings law is that a public body's meetings will be open to the public.¹³ The law allows a public body to enter closed session, however, for the reasons set out in G.S. 143-318.11 and Rule 5.

Rule 5. Closed Sessions

(a) Motion to Enter Closed Session. The city council may enter a closed session from which the public is excluded only upon a motion duly made and adopted in open session. The motion to enter closed session must cite one or more of the permissible bases for closed session listed in paragraph (b) of this rule. A motion to enter closed session under subparagraph (b)(1) or (b)(2) must contain the additional information specified in those provisions.

(b) Bases for Closed Session. A closed session is permissible under the following circumstances and no others:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or of the United States or that does not constitute a public record within the meaning of Chapter 132 of the General Statutes. The motion to enter closed session must name or cite the law that renders the information confidential or privileged.

Comment: Subparagraph (b)(1) restates G.S. 143-318.11(a)(1). Chapter 132 of the General Statutes comprises the state's public records law.

This exception applies not only to records that must be withheld from public inspection because they are confidential, but also to non-confidential records that fall outside the public records law's definition of "public records." For example, under G.S. 132-1.7(a), the term "public records" does not cover security plans or detailed plans or drawings of public buildings and infrastructure facilities. The council may enter closed session to review such plans or drawings, even though their disclosure would not violate the law.

- (2) To consult with the city attorney or another attorney employed or retained by the city in order to preserve the attorney-client privilege. If the council expects to discuss a pending lawsuit with its attorney, the motion to enter closed session must include the names of the parties to the lawsuit.

Comment: Subparagraph (b)(2) restates G.S. 143-318.11(a)(2). The open meetings law expressly prohibits a public body from discussing general policy matters when it goes into closed session to consult with its attorney. Additionally, the mere presence of the city attorney at a council meeting is not grounds for a closed session. Unless the council is going into closed session for the purpose of consulting with its attorney on a legal issue, it should not invoke the attorney-client privilege as a basis for closed session.

A council that enters closed session to consult with its attorney may consider and give instructions to the attorney regarding claims, litigation, and other legal proceedings brought by or against the council. If the council considers or approves a settlement in closed session, then (unless the settlement resolves malpractice claims against a public hospital) the settlement's terms must be reported to the council in open session and entered into the council's minutes as soon as possible within a reasonable time after the settlement is reached.

The handling or settlement of claims or legal proceedings is not the exclusive basis for going into closed session to preserve the attorney-client privilege. The council may enter closed session to discuss any legal issue with its attorney. This exception may be used only if the attorney is present for the closed session, either physically or by electronic means.

- (3) To discuss matters relating to (a) the location or expansion of industries or other businesses in the area served by the city or (b) the closure or realignment of a military installation. The council may reach agreement in closed session on a tentative list of economic development incentives to be offered in negotiations, but the approval of the signing of any economic development contract or commitment

and the authorization of the payment of economic development expenditures must take place in open session.

Comment: Subparagraph (b)(3) restates G.S. 143-318.11(a)(4).

- 4) To establish or instruct staff or agents concerning the city's position in negotiating the price or other material terms of an agreement for the acquisition of real property by purchase, exchange, or lease.

Comment: Subparagraph (b)(4) restates part of G.S. 143-318.11(a)(5). If requested to do so, the council must disclose the following information before going into closed session on this basis: (a) the current owner of the property, (b) the property's location, and (c) the use to which the council intends to put the property.¹⁴

Neither G.S. 143-318.11(a)(5) nor this rule permits a closed session to discuss the sale of city property. Similarly, neither provision authorizes a closed session to discuss the purchase or lease of personal property.

- (5) To establish or instruct staff or agents concerning the amount of compensation or other material terms of an employment contract.

Comment: Subparagraph (b)(5) restates part of G.S. 143-318.11(a)(5).

- (6) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment or employment of a public officer or employee or prospective public officer or employee, except when the individual in question is a member of the city council or other public body or is being considered to fill a vacancy on the city council or other public body. Final action to appoint or employ a public officer or employee must take place in open session.

Comment: Subparagraph (b)(6) restates part of G.S. 143-318.11(a)(6). The council may not go into closed session on this basis to consider general personnel policy issues. It likewise in most circumstances may not enter closed session to discuss a member or prospective member of the council or any of the city's appointed bodies.

- (7) To hear or investigate a charge or complaint by or against a public officer or employee. Final action discharging an employee or removing an officer must occur in open session.

Comment: Subparagraph (b)(7) restates part of G.S. 143-318.11(a)(6). This basis for closed session is largely self-explanatory, except insofar as grievances against

individual council members or members of appointed bodies are concerned. It might allow a council to go into closed session to hear such a grievance, but because a council member's or appointed board member's competence, performance, character, and fitness may not be considered in closed session, any discussion of the substance of the grievance and any action taken against the member in response to the grievance would probably have to take place in open session.

- (8) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

Comment: Subparagraph (b)(8) restates G.S. 143-318.11(a)(7).

- (9) To view a law enforcement recording released pursuant to G.S. 132-1.4A.

Comment: General Statute 132-1.4A sharply restricts the circumstances in which a law enforcement agency may disclose (make available for listening or viewing) or release (provide a copy) of audio and visual recordings captured by body-worn cameras, dashboard cameras, or other recording devices operated by or on behalf of the agency or its law enforcement personnel in the performance of their duties.¹⁵ The open meetings law allows a public body to which such a recording has been released to review it in closed session.¹⁶

- (10) On any other basis permitted by law.

Comment: Over the years, the General Assembly has expanded the list of grounds on which a public body may meet in closed session. Subparagraph (b)(10) acknowledges the possibility that this could happen again.

(c) Closed Session Participants. Unless the council directs otherwise, the city manager, city attorney, and city clerk may attend closed sessions of the council. No other person may attend a closed session unless invited by majority vote of the council.

Comment: The open meetings law does not specifically address who may attend a closed session. The typical council will usually want its manager, attorney, and clerk to be there, but the council may in its discretion exclude them, except for the attorney when the closed session is being held to preserve the attorney-client privilege. All other non-members should be excluded from closed session except when

their presence is reasonably necessary to aid the council's deliberations. Note that in certain situations closed session attendance must be restricted due to the confidential nature of the matters under consideration. When, for example, the council meets in closed session to consult with its attorney, the council risks waiving the attorney-client privilege if it allows someone to attend who is not covered by the privilege. Likewise, if the council enters closed session to examine city personnel records that are confidential under G.S. 160A-168, it must exclude anyone who is not authorized to access those records.

(d) Motion to Return to Open Session. Upon completing its closed session business, the council shall end the closed session by adopting a duly made motion to return to open session.

Comment: The open meetings law does not list adjournment among the actions that a public body may take in closed session. Accordingly, the city council must return to open session following the conclusion of a closed session, even if adjournment is the only remaining item of business.

Rule 6. Meeting Minutes

(a) Minutes Required for All Meetings. The council must keep full and accurate minutes of all of its meetings, including closed sessions. To be "full and accurate," minutes must record all actions taken by the council. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of the council, though the council in its discretion may decide to incorporate such details into the minutes.

Comment: Both G.S. 160A-72 and the open meetings law require a city council to keep full and accurate minutes for all of its meetings.¹⁷ According to the North Carolina Supreme Court, minutes "should contain mainly a record of what was *done* at the meeting, not what was *said* by the members."¹⁸ Why? Because the purpose of minutes "is to reflect matters such as motions made, the movant, points of order, and appeals—not to show discussion or absence of action."¹⁹ Nonetheless, because the minutes belong to the council, the council may choose to record the substance of its discussions in the minutes, and many councils do just that.

17. G.S. 143-318.10(e).

18. *Maready v. City of Winston-Salem*, 342 N.C. 708, 733 (1996) (internal quotation marks omitted)

The minutes should make clear the total number of votes cast for and against each motion. Some actions must be approved by more than a simple majority. If the council's adoption of a motion to take such an action were challenged on the ground that not enough members voted in favor of it, the court would examine the minutes to ascertain whether the requisite supermajority supported the motion.

Under the open meetings law, a public body's minutes "may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings."²⁰ Various statutory provisions in Chapter 160A, though, assume that written minutes are required for city council meetings.²¹ Moreover, because the council's minutes qualify as essential government records, guidance promulgated by the Department of Natural and Cultural Resources pursuant to G.S. 132-8.2 mandates that the council, within the limitations of funds available for the purpose, create preservation duplicates of its minutes in the form of paper or microfilm copies.²²

(b) Record of "Ayes" and "Noes." At the request of any member of the council, the minutes shall list each member by name and record how each member voted on a particular matter.

Comment: Although the minutes should indicate the number of votes cast for and against every motion, the general rule is that they need not state how each member voted by name. Pursuant to G.S. 160A-72, however, the minutes must record how each member voted on a motion if any member requests that they include the "ayes" and "noes."

(c) General Accounts of Closed Sessions. In addition to minutes, the council must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The council may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.

Comment: According to the open meetings law, "when a public body meets in closed session, it shall keep a general account of the closed session so that a person

20. G.S. 143-318.10(e).

21. See, e.g., G.S. 160A-78 (calling for the council's ordinance book to be kept separate and apart from its "minute book") and 171 (directing the city clerk to "keep a journal" of the council's proceedings).

not in attendance would have a reasonable understanding of what transpired.”²³ This wording plainly requires more than a mere record of actions taken. Concerns about whether the general account of a closed session is sufficiently thorough should be referred to the city attorney.

As paragraph (c) recognizes, many councils incorporate the minutes and general account of a closed session into a single record. There is no legal problem with that practice, so long as the record includes any actions taken by the council in closed session and enough information about what was discussed to satisfy the statutory standard for a general account.

(d) Sealing Closed Session Records. Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the council or, if the council delegates the authority to unseal to one or more staff members, in accordance with guidelines adopted by the council. The sealed minutes and general account of any closed session may be withheld from public inspection so long as public inspection would frustrate the purpose(s) of the closed session.

Comment: Although the open meetings law allows a public body to withhold the minutes and general account of a closed session from public inspection for as long as necessary to avoid frustrating the purpose of the closed session,²⁴ the state’s public records law presumes that documents made or received in the transaction of public business must be made available for inspection and copying. The council therefore should not assume that closed session records are automatically sealed without action on its part.²⁵ By adopting paragraph (d), the council decides that all of its closed session records will be sealed initially and remain so until they are unsealed by the council or by staff members to whom the council has delegated the authority to make such determinations pursuant to certain guidelines. Staff persons who are entrusted with the responsibility of reviewing and unsealing closed session records typically include the city attorney, the city manager or administrator, the city clerk, or some combination thereof.

The council’s guidance to staff members on unsealing closed session records should probably direct them to review those records at regular intervals and unseal them as appropriate, even when no request to inspect or copy the records

is pending.²⁶ Such periodic reviews can reduce the likelihood that closed session records will impermissibly remain under seal beyond the point at which their release would no longer frustrate the purpose(s) for which the council entered closed session.

Rule 7. Broadcasting and Recording Meetings

(a) Right to Broadcast and Record. Any person may photograph, film, tape-record, or otherwise reproduce any part of a council meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a council meeting.

Comment: Paragraph (a) restates G.S. 143-318.14(a).

(b) Advance Notice. Any radio or television station that plans to broadcast any portion of a council meeting shall so notify the [city clerk/city manager/administrator] no later than [twenty-four hours] before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a council meeting.

Comment: Paragraph (b) assumes that, if provided with advance notice of a broadcast media organization's intent to cover a council meeting, city staff will be better able to accommodate the organization and minimize any interference with the meeting. The last sentence in paragraph (b) acknowledges that neither the council nor its staff has any statutory authority to exclude broadcast media for failing to give the prescribed notice.

(c) Equipment Placement. The [city manager/administrator] may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a council meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the [city manager/administrator] determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the [city manager/administrator] may require the pooling of the equipment and the personnel operating it.

Comment: The open meetings law vests the powers set out in paragraph (c) in the

The open meetings law specifies that a public body may not classify the ordinary use of camera or recording equipment as an undue interference with its meeting.²⁸

(d) Alternative Meeting Site. If the news media request an alternative meeting site to accommodate news coverage, and the council grants the request, the news media making the request shall pay the costs incurred by the city in securing an alternative meeting site.

Comment: Paragraph (d) is taken from G.S. 143-318.14(b).

Part IV. Organization of the Council

Rule 8. Organizational Meeting; Selection of [Mayor and] Mayor Pro Tempore

(a) Scheduling Organizational Meeting. The council must hold an organizational meeting following each general election in which council members are elected. The organizational meeting must be held either (1) on the date and at the time of the council's first regular meeting in December following the election or (2) at an earlier date, if any, set by the incumbent council. The organizational meeting may not be held before municipal election results are officially determined, certified, and published as required by law.

Comment: This provision tracks the requirements of G.S. 160A-68(a). The statutes governing the certification and publication of election results reside in Subchapter IX of Chapter 163 of the General Statutes.

The default statutory rule is that the organizational meeting is held at council's first regular meeting in December after municipal election results have been properly certified and published under the state's election laws. The incumbent council may schedule the organizational meeting for an earlier date and time, provided the meeting occurs after the certification and publication of election results.

Neither state law nor these rules designate who should preside at the organizational meeting until the new mayor takes the oath of office. Local customs differ on this point. In some cities the city clerk, manager, or attorney presides temporarily, while in others the outgoing mayor wields the gavel until relieved by his or her successor.

The organizational meeting is often one part of a longer council meeting. The standard practice in some cities is to place the organizational meeting on the agenda under new business, leaving the incumbent council free to take up old

business before the incoming members are sworn. This rule does not prohibit that practice; however, if the organizational meeting is delayed until the council's first regular meeting in December, the law may require that the organizational meeting be the first item of business. In such circumstances, G.S. 160A-68(a) stipulates that the organizational meeting must occur "on the date *and at the time*" of the regular meeting. (Emphasis added.)

If the incumbent council wants to hold the organizational meeting at its first regular meeting in December but also wishes to act on unfinished business before the incoming members join the council, it can accomplish this objective by

- recessing its November regular meeting until some date/time prior to the December regular meeting or
- scheduling a special meeting for a date/time prior to the December regular meeting.

(b) Oath of Office. As the first order of business at the organizational meeting, all newly elected members of the council must take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution. Each member's oath must be filed with the city clerk. Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe, and file the oath before he or she begins performing any of the duties of the member's office.

Comment: Article VI, Section 7, of the North Carolina Constitution expressly requires all public officers to take and subscribe the oath of office prescribed therein before they take up the duties of their offices. (An official subscribes the oath by signing beneath it.) Subsection (b) of G.S. 160A-68 echoes this requirement by directing all newly elected mayors and council members to take that oath at the organizational meeting.

Additionally, G.S. 11-7 sets out an oath of office that all state and local elected and appointed officials must take and subscribe before they enter into or take up the duties of their offices. The oath is substantially similar to the oath in Article VI, Section 7, however, and decisions from the North Carolina Supreme Court and the North Carolina Court of Appeals strongly imply that taking either of them is equivalent to taking the other.²⁹

It stands to reason that a newly elected member who is unable to attend the organizational meeting may take the oath of office at another time. Subsection (b) of G.S. 160A-68 seems to contemplate that possibility by declaring that, provided a quorum is present, the organizational meeting must take place despite the absence, death, or refusal to serve of any member(s). Moreover, an incoming member's failure to attend the organizational meeting in no way invalidates the election results. It should be noted, though, that ordinarily the incumbent member will remain in office until the incoming member takes and subscribes the oath.³⁰

Only certain officials may administer the oath of office.³¹ They include, among others, the mayor, the city clerk, and a notary public. The deputy city clerk may administer the oath in place of the clerk, if the deputy is also a sworn officer.³²

Pursuant to G.S. 160A-61, all oaths of office subscribed by elected or appointed city officers must be filed with the city clerk.

It is imperative that incoming council members refrain from undertaking their duties before they are sworn. Under G.S. 14-229, an individual who undertakes the duties of a public office without first taking, subscribing, and filing the oath of office is guilty of a Class 1 misdemeanor. Similarly, G.S. 128-5 provides that any person who enters upon the duties of a public office without first taking the oath of office shall be subject to a forfeiture of \$500 (to be used for the poor of the county). Both statutes authorize an offender's ejectment from office.

(c) Selection of [Mayor and] Mayor Pro Tempore. As the second order of business at the organizational meeting, the council shall elect from among its members [a mayor and] a mayor pro tempore using the procedures specified in Rule 38. [The mayor shall serve for [a certain term] [at the pleasure of the council]]. The mayor pro tempore shall [likewise] serve at the council's pleasure.

Comment: In most cities, the people elect the mayor directly. The bracketed reference in paragraph (c) to the mayor's election at the organizational meeting is appropriate only for a city with a charter that directs the council to choose the mayor from among its members. If the mayor is elected by the council, the charter may provide that he or she serves either for a fixed term or at the council's pleasure. ("[A]t the council's pleasure" means that the council may vote to replace the mayor at any regular meeting or any special meeting called for that purpose.)

State law requires every city council to select a mayor pro tempore at its organizational meeting.³³ See Rule 18 for the duties of the mayor pro tempore, which include presiding over council meetings in the mayor's absence. Unless the charter provides otherwise, the mayor pro tempore serves at the council's pleasure.

Part V. Types of Meetings

Rule 9. Regular Meetings

(a) **Regular Meeting Schedule.** The council shall hold a regular meeting on the [first and third] [Monday] of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at [_____] and begin at [_____]. The council shall adopt a meeting schedule each year consistent with this rule. A copy of the council's current meeting schedule shall be filed with the city clerk [and posted on the city's website].

Comment: Pursuant to G.S. 160A-71, the council must fix the time and place for regular meetings. If it does not do so, the council must hold a regular meeting at 10 a.m. on the first Monday of each month.³⁴ A council that adopts a regular meeting schedule may choose to meet less frequently than once per month, unless its charter mandates monthly meetings. The open meetings law requires the council's schedule of regular meetings to be kept on file with the city clerk.³⁵ The law further directs that the council post the schedule on its website, if it has one.³⁶

(b) **Change to Meeting Schedule.** Notwithstanding paragraph (a) of this rule, the council may amend its regular meeting schedule to add or delete meetings or to change the date, time, or location of one or more meetings on the schedule. The amended schedule shall be filed with the city clerk at least seven (7) calendar days before the day of the first meeting held pursuant to the revised schedule [and posted on the city's website].

33. G.S. 160A-70.

34. G.S. 160A-71(a).

Comment: The seven-day filing requirement is imposed by the open meetings law.³⁷ If the council has a website, the open meetings law obliges the council to post the amended schedule there.³⁸

Rule 10. Special Meetings

(a) Calling Special Meetings. A special meeting of the council may be called by the mayor, the mayor pro tempore, or any two council members. A special meeting may also be called by vote of the council in open session during a regular meeting or another duly called special meeting.

Comment: The two methods of calling a special meeting set out above are authorized in G.S. 160A-71(b)(1). The same statutory provision also permits the members of a council to conduct a special meeting anytime all of them are gathered in the same place or any member not present has signed a written waiver of notice. This third method is not included in this rule because a council that made use of it would violate the open meetings law's requirement—reflected in paragraph (b) of this rule—to provide the public with a minimum of forty-eight hours' notice of each special meeting.

(b) Notice to the Public. At least forty-eight hours before a special meeting of the council, notice of the date, time, place, and purpose of the meeting shall be (1) posted on the council's principal bulletin board or, if the council has no such board, at the door of the council's usual meeting room and (2) delivered, e-mailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the city clerk. Furthermore, if the council has a website maintained by at least one city employee, notice of the special meeting's date, time, place, and purpose shall be posted on the website in advance of the meeting.

Comment: This subsection incorporates the open meetings law's public notice requirements for special meetings.³⁹

(c) Notice to Members.

- (1) *Meeting called by the mayor, the mayor pro tempore, or any two council members.* At least forty-eight hours before a special meeting called by the mayor, the mayor pro tempore, or any two council members, written notice of the meeting stating its

date, time, and place, as well as the subjects to be considered, shall be delivered to the mayor and each council member or left at his or her usual dwelling place.

- (2) *Meeting called by vote of the council in open session.* When a special meeting is called by vote of the council in open session during a regular meeting or another duly called special meeting, the motion or resolution calling the special meeting shall state the meeting's date, time, place, and purpose. [Written notice of the special meeting's date, time, place, and purpose shall be mailed or delivered at least forty-eight hours before the meeting to each council member not present for the meeting at which the special meeting was called, and to the mayor if he or she was not present at that meeting.]

Comment: The notice to individual council members required under subparagraph (c)(1) of this rule tracks G.S. 160A-71(b)(1), except that the statutory provision mandates only six hours' notice. Subparagraph (c)(1) increases that notice to forty-eight hours on the assumption that members want to be notified of special meetings at least as far ahead of time as the public.

Although G.S. 160A-71(b)(1) does not mandate that individual members receive notice of a special meeting called in accordance with subparagraph (c)(2), the suggested language in brackets requires such notification in order to ensure that members who are not present when a special meeting is called receive word of the meeting.

- (d) Transacting Other Business.** Unless all members are present or any absent member has signed a written waiver of notice, only those items of business specified in the notice to council members may be taken up at a special meeting. [Even when all members are present or any absent member has signed a waiver, the council may take up an item of business not covered by the notice only if the council first determines in good faith that the item must be discussed or acted upon immediately.]

Comment: Under G.S. 160A-71(b)(1), a special meeting called by the mayor, mayor pro tempore, or any two council members may address matters not listed in the notice provided to members, but only if all members are in attendance or any absent member has signed a written waiver of notice. Paragraph (d) of this rule extends that same limitation to any special meeting called by a vote of the council in a regular or another duly called special meeting.

must be discussed or acted upon immediately. This restriction is intended to reduce the likelihood of a violation of the open meetings law, which, as noted in the *Comment* to paragraph (b), requires the public notice of a special meeting to articulate the meeting's purpose. While nothing in the open meetings law expressly prohibits the council from taking up an unannounced matter at a special meeting if the requirements of G.S. 160A-71(b)(1) are met, the bracketed sentence in paragraph (d) assumes that the council should avoid doing so when the matter is not urgent.⁴⁰

Rule 11. Emergency Meetings

(a) Grounds for Emergency Meeting. Emergency meetings of the city council may be called only to address generally unexpected circumstances demanding the council's immediate attention.

(b) Calling Emergency Meetings. There are two methods by which an emergency meeting of the council may be called.

- (1) The mayor, the mayor pro tempore, or any two members of the council may at any time call an emergency council meeting by signing a written notice stating the date, time, and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each council member or left at his or her usual dwelling place at least six hours before the meeting.
- (2) An emergency meeting may be held when the mayor and all members of the council are present and consent thereto, or when any absent member has signed a written waiver of notice.

(c) Notice to Media of Emergency Meetings. Notice of an emergency meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request with the city clerk for notice of emergency meetings. To be valid, the request must include the newspaper's, wire service's, or station's telephone number. Notice may be given by telephone, e-mail, or the same method used to notify council members. Notice must be provided immediately after council members have been notified and at the expense of the party notified.

(d) Transaction of Other Business Prohibited. Only business connected with the emergency may be considered at an emergency meeting.

40. See generally Trey Allen, *Statutory Permission to Take Up Items Not on the Special Meeting Notice*, COATES' CANONS: NC LOC. GOV'T L. BLOG (Jan. 26, 2015), <http://canons.sog.unc.edu/statutory-permission-to->

Comment: Paragraphs (a), (c), and (d) of this rule state the requirements for emergency meetings under the open meetings law.⁴¹ Since none of the provisions in the open meetings law or Chapter 160A specify the method for calling emergency meetings, paragraph (b) of this rule falls back on the procedures set out in G.S. 160A-71(b) for calling special meetings, with one exception. Under G.S. 160A-71(b)(3), a special meeting may be called by the council at any regular or duly called special meeting. Paragraph (b) omits that method because, if an emergency were to arise during a regular meeting, the council could amend its agenda to deal with it and the odds of an emergency arising during a special meeting are exceedingly small.

Rule 12. Recessed Meetings

(a) Calling Recessed Meetings. When conducting a properly called regular, special, or emergency meeting, the council may recess the meeting to another date, time, or place by a procedural motion made and adopted, as provided in Rule 31, Motion 3, in open session. The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene.

(b) Notice of Recessed Meetings. If the council has a website maintained by one or more city employees, notice of the recessed meeting's date, time, and place must appear on the webpage prior to the meeting. No further notice of a properly called recessed meeting is required.

Comment: This rule follows the open meetings law's requirements for recessed meetings.⁴² The procedural mechanism for setting a recessed meeting is a motion to recess to a time and place certain (Rule 31, Motion 3). The motion must be made in open session, since under the open meetings law the adoption of such a motion is not listed as an action that is allowed during a closed session.⁴³

CITY COUNCIL PROCEDURES

ADOPTED BY CITY COUNCIL
ON SEPTEMBER 6, 1994
REVISED ON JANUARY 17, 1995
REVISED ON MARCH 20, 1995
REVISED ON NOVEMBER 6, 1995
REVISED ON NOVEMBER 2, 1998
REVISED ON MARCH 20, 2000
REVISED ON MAY 1, 2000
REVISED ON MAY 7, 2001
REVISED ON JUNE 4, 2001
REVISED ON NOVEMBER 19, 2001
REVISED ON DECEMBER 3, 2001
REVISED ON NOVEMBER 4, 2002
REVISED ON DECEMBER 16, 2002
REVISED ON MARCH 3, 2003
REVISED ON APRIL 7, 2003
REVISED ON FEBRUARY 21, 2005
REVISED ON APRIL 21, 2008
REVISED ON JUNE 15, 2009
REVISED ON MARCH 19, 2012
REVISED ON NOVEMBER 8, 2012

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I. THE CITY COUNCIL.

1.1 Name.

"The Council members and Mayor, when elected and duly qualified, shall constitute a board to be known and designated as the City Council."
(Charter § 6)

1.2 Oaths/Terms.

"The Mayor and each Council member, before entering upon the duties of the office to which they have been elected, shall take before some officer authorized to administer oaths, an oath that they will fairly and impartially perform the duties of their office. The Mayor and Council members shall hold their respective offices until their respective successors have been duly qualified."
(Charter § 7)

1.3 Powers.

"The City Council shall have full power and authority, except as otherwise provided for in this Charter, to exercise all of the powers conferred upon and delegated to the City of Durham by this Charter and by the laws of North Carolina. The City Council shall have power to make such ordinances, rules and regulations, as it may deem necessary for the proper government of the City and to promote and safeguard the health, morals, safety and general welfare and convenience of the public. The City Council may provide for the proper enforcement of such ordinances, in such manner as it may think best, by fine, imprisonment or otherwise. The City Council may provide for the organization of the offices, departments and divisions of the City government, not inconsistent with this Charter: by way of example and not limitation, the City Council, in performing the duties and responsibilities set forth in G.S. 160A-412, may assign all or part of the duties of an inspection department to an existing or newly created department, division or office of the City, may assign all or some of the personnel appointed pursuant to G.S. 160A-411 to an existing or newly created department, division or office of the City and may designate the job titles and duties of the personnel so assigned. Pursuant to Article V, Section 2(7) of the Constitution of North Carolina, the City Council may contract with, and appropriate money to, any person, association or corporation for the accomplishment of any public purpose."
(Charter § 8)

1.4 City Council Employees.

The City Council employs the City Manager, the City Clerk and the City Attorney. Council members are expected to direct work requests to Council employees and not directly to staff. Work requests which will require unusual amounts of time or resources are expected to be presented to the City Council or Council work session (by the Council member or the Council employee) before the work is undertaken.
(Charter §§ 16, 20 and 21)

1.5 Mayor.

"The power and duties of the Mayor shall be such as are conferred upon him by this Act, together with such others as are conferred by the City Council in pursuance of the provisions of this Act and no other....

He shall be recognized as the official head of the City, and shall be so considered by the public for all ceremonial purposes. He shall have power to administer oaths and take affidavits. Such functions not enumerated in this Charter as are conferred upon the Mayor by the general laws of the state shall be exercised by the City Manager, unless the City Council designates some other person to exercise the same."
(Charter § 9)

1.6 Mayor Presides.

"The Mayor shall preside at all meetings of the City Council and shall vote upon all questions unless excused as provided in section 11(3) of this Chapter, but shall have no additional vote in case of a tie."
(Charter § 9, second paragraph, and first sentence)

1.7 Mayor Pro Tempore.

"During the disability of the Mayor, or his absence from the City, the functions of his office shall devolve upon some member of the City Council designated by that body as Mayor Pro Tempore at its first meeting after each general municipal election. The Mayor Pro Tempore shall preside over meetings of the City Council in the absence of the Mayor."
(Charter § 10)

1.8 Successor.

In the absence of the Mayor and Mayor Pro Tempore, the responsibility for chairing meetings of the City Council shall be chaired by the most senior member of Council attending the meeting. At the first meeting of the City Council after each general election, the Mayor shall designate the order for chairing meetings among those members of equal seniority.

II. CITY COUNCIL MEETINGS.

2.1 Regular Meetings.

2.1.1 "Regular meetings of the City Council shall be held at least twice but not more than four (4) times each month at such times as may be designated by ordinance of the City Council."

(Charter § 11(1))

2.1.2 There shall be regular meetings of the City Council in the City Hall Council Chambers at 7:00 p.m., on the first and third Mondays of each month; provided, however, in the month of July there shall be only one regular meeting, which meeting shall be held on the third Monday of July at the time and place provided for regular meetings in this section; provided further, however, when any such Monday (to which reference is made in this subsection) shall be observed as a legal holiday, the regular meeting to have been held on such Monday shall be held at the same time on the next day that is not observed as a legal holiday. There shall be regular work session meetings of the City Council as provided in Section 3.2.

2.1.3 If any regular meeting continues beyond 10:00 p.m., it may be recessed in the manner prescribed by this subsection. After 10:00 p.m., any Council member may request that a vote be taken on the question of whether the meeting should continue further. The Mayor shall then call for a vote on the question: "Shall the meeting continue?", even if another motion is pending. If as many as one-fourth of the Council members present and voting, vote no, then the meeting shall recess until 7:00 p.m. on the following night (unless the next day is a holiday, in which case the meeting shall reconvene at 7:00 p.m. on the next day that is not a holiday). If not as many as one-fourth of the Council members present and voting, vote no, then the meeting shall continue. A similar request may not be received until at least fifteen (15) minutes have elapsed from the time of the last vote. The City Clerk shall be the timekeeper for determining how much time has elapsed. Before recessing a meeting pursuant to this subsection, the City Council shall hold any closed session it may have voted to have (and conclude any business related to the subject of the closed session), even though the meeting continues beyond 10:00 p.m. for this purpose.

2.1.3(a) Before reconvening any meeting that has been recessed pursuant to this subsection, the Mayor, or person presiding, shall determine that there are four (4) Council members actually present. The first order of business at the reconvened meeting shall be to consider the request(s) of Council member(s) to be excused from the meeting. A Council member may make such a request through the City Clerk, City Manager or City Attorney.

2.1.3(b) If the Mayor, or person presiding, determines that there are fewer than four (4) Council members actually present, then the Mayor or person presiding shall delay the beginning of the meeting until such time as at least four Council members are actually present. If, however, after one hour, at least four Council members still are not actually present, then the Mayor or person presiding may adjourn the

meeting and all pending business shall be carried forward to the agenda for the next regularly scheduled meeting of the City Council.

2.2 Special Meetings.

"The Mayor, any four (4) members of the City Council, or the City Manager, hereinafter provided for, may call special meetings of the Council upon at least six (6) hours notice to each member. Notice may be given to a member by direct telephone communication with such member or by direct personal conversation with such member or by written notice to any member not otherwise notified by serving such written notice personally upon such member or by leaving such written notice at such member's residence or business. Written notice as provided herein may be served by any person or persons designated by the City Manager. A special meeting may be held at any time without notice provided that all of the members of the Council attend."

(Charter § 11(2))

(Note: The State Open Meetings law, which supersedes this section, requires that at least forth-eight (48) hours prior public notice be given. This notice may be given through the City Clerk's office).

2.3 Agenda.

2.3.1 The City Manager shall prepare, or cause to be prepared, an agenda of business, which will be transacted at regular meetings of the City Council. This agenda shall consist of three parts: (i) a Consent Agenda, (ii) a General Business Agenda, and, if necessary, (iii) a Supplemental Agenda.

2.3.1(a) The Consent Agenda shall include those matters which have not received a negative vote by any member of Council in settling the agenda at the Council work session meeting, and which do not include a public hearing.

2.3.1(b) Except as provided in Section 2.3.1(c), all matters appearing on the Consent Agenda shall be approved, adopted or accepted, as the case may be, upon a single vote of the Council. Each matter so approved will appear in the minutes of the Council in its proper form, showing approval. No matter requiring a public hearing shall be placed on the Consent Agenda. If any citizen wishes to be heard on any Consent Agenda matter such person may request that said matter be removed from the Consent Agenda, and such matter shall thereupon be separately considered. On request of any member of the Council any matter on the Consent Agenda shall be considered separately.

2.3.1(c) Members of the City Council may cast a negative vote for one or more matters appearing on the Consent Agenda without removing the matter from the Consent Agenda, provided that the members do not request additional discussion on the matter.

2.3.2 All other matters, except those described in Section 2.3.3, shall be included in the

General Business Agenda, and shall be considered separately.

2.3.3 The following matters shall be placed on the Supplemental Agenda and shall be considered separately: any matter not previously considered by the Council at its work session and deemed by the City Manager to be of immediate importance. The Supplemental Agenda shall be in the format prescribed in Section 2.3.4 and shall be distributed to Council members at or before the regular Council meeting.

2.3.4 Each matter appearing on the agenda shall consist of

- (a) The agenda number of the matter,
- (b) A descriptive caption, and
- (c) The question to be considered by the Council.

Explanatory and supporting information shall be attached to the agenda where practical.

2.4 Order of Business.

2.4.1 The first order of business at every regular meeting of the City Council shall be consideration of matters requiring the immediate attention of the City Council. The Mayor shall call on the City Manager, City Attorney and City Clerk to identify any such matters. Matters identified by the City Manager, City Attorney or City Clerk as requiring immediate attention shall be considered by the City Council as the first order of business and shall not be subject to the provisions of Section 2.5 concerning the requirements for adding a matter to the agenda.

2.4.2 The second order of business at every regular meeting of the City Council shall be consideration of the Consent Agenda. Every matter withdrawn from the Consent Agenda by request of a Council member or citizen shall be heard as the fifth order of business as provided in Section 2.4.5 unless otherwise ordered. A member of Council may indicate a personal interest in or an abstention from voting on a matter on the Consent Agenda without the necessity of withdrawing such matter for separate consideration. Before the vote of the Council, the Mayor may order (i) the correction of errors appearing in the Consent Agenda or (ii) the revision of matters appearing in the Consent Agenda to conform to revisions shown in the Supplemental Agenda. The corrections and revisions may be made without the necessity of voting separately on each corrected or revised matter. The City Clerk shall conform the minutes to reflect the corrections or revisions ordered by the Mayor. The City Clerk shall also show in the minutes the abstention of a Council member from voting on any matter considered as part of the Consent Agenda as if a separate vote had been taken on such matter.

2.4.3 The third order of business shall be consideration of those matters appearing on the General Business Agenda.

2.4.4 The fourth order of business shall be consideration of matters on the Supplemental Agenda, if there is a Supplemental Agenda.

2.4.5 The fifth order of business shall be consideration of matters removed from the Consent Agenda.

2.4.6 The next order of business shall be consideration of matters which do not appear on the agenda. Consideration of such matters is subject to the provisions of Section 2.5.

2.5 Matters Not on Agenda; Ceremonial matters.

The Council shall not consider any matter that is not on the agenda, regardless of how the matter is presented, unless the person who seeks to introduce the matter for consideration shall state generally the subject of the matter and the Council shall approve adding such matter to its agenda by an affirmative vote of two-thirds of all the members present and voting at such regular meeting. An approving vote is not necessary, however, to present matters of a ceremonial or informational nature provided that the presentation is made only after consultation with and at the sole discretion of the Mayor. Matters of a ceremonial or informational nature include, but are not limited to (i) the reading and presentation of proclamations, (ii) courtesy recognition of persons in the audience, and (iii) announcements of any kind. The reading and presentation of resolutions honoring persons and organizations or commemorating events may not be added to the agenda at the Council meeting without the two-thirds affirmative vote otherwise required by this Section.

2.6 Rules.

2.6.1 Public Meeting.

"Meetings of the City Council shall be public, when required by G.S. Chapter 143, Article 33B, and any citizen shall have access to the records or minutes thereof at all reasonable times, unless otherwise provided by law."
(Charter § 11(3), first sentence)

2.6.2 Quorum.

"A majority of the members of the City Council shall constitute a quorum for the transaction of business." (Charter § 11(3), second sentence). A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

2.6.3 Voting.

2.6.3(a) "The ayes and nays shall be taken upon the passage of all ordinances, resolutions or actions having the effect of an ordinance or resolution and entered by the clerk upon the journal of the proceedings of the Council. The City Council may provide for the taking of aye and nay votes by means of electronic or mechanical tabulation visible to persons attending the meeting. Every ordinance, resolution or

action having the effect of an ordinance or resolution shall require four (4) affirmative votes, and no person shall be appointed to fill a vacancy as Mayor or member of the Council except by four (4) or more votes in favor of that person, provided, however, any provision of general law requiring a different vote than provided herein shall control except the provisions of G.S. 160A-75, which shall not apply to the City of Durham."
(Charter § 11(3), third through fifth sentences)

2.6.3(b) The Council may choose by majority vote to use written ballots when voting on a motion. The City Clerk shall prepare the ballots. Such ballots shall be signed by each voting Council member, and the minutes of Council shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the City Clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

2.6.4 Ordinances.

2.6.4(a) "An ordinance is effective upon passage or at such subsequent time as the City Council may prescribe."
(Charter § 11(3), sixth sentence)

2.6.4(b) All ordinances, resolutions and other official actions of the City Council shall, upon adoption, be recorded by the City Clerk in permanent ordinance books, minute books, and such other books, optical disks or other recording media (approved by the City Council) as may be necessary to contain an accurate record of the official proceedings of the Council in accordance with archival law requirements of the North Carolina Department of Archives and History.

2.6.4(c) All ordinances and resolutions shall have proper captions, and the ordinances shall be numbered in numerical order. The minutes of the Clerk shall refer to the captions of all ordinances adopted by the Council, number of same and date of passage, but shall not contain the ordinance.

2.6.5 Abstention.

"No member shall be excused from voting, except on matters involving consideration of his own official conduct, or where his financial interests are involved. In all other cases, a failure to vote by a member who is physically present in the Council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote. The question of the compensation and allowances of members of the Council is not a matter involving a member's own financial interest or official conduct."
(Charter § 11(3), seventh through the last sentence)

2.6.6 Debate Limited; Council Member Time Limits

The reading of the number and caption of any matter appearing on the agenda by the Mayor shall constitute introduction of such matter for consideration by the Council. Subject to the provisions of Section 2.7.6, the Mayor shall rule "out of order" any debate or comment not relevant to a matter introduced for consideration, any debate or comment which shall be unduly repetitious, and any comments which personally criticize or are disrespectful to citizens, City staff or other members of Council. The first time a Council member has the floor on a matter, the member's comments shall be limited to not more than five minutes. After all other members have had an opportunity to speak on the matter; the member may have the floor for an additional period of not more than three minutes. These time limits shall not include time spent by staff or others in responding to comments made by the member who has the floor. The City Clerk shall be the timekeeper for determining how much time has elapsed. The Council, by majority vote of those members present, may extend these time limits. These time limits shall not apply to evidentiary hearings.

2.6.7 Time Limits.

2.6.7(a) Citizens.

A citizen wishing to speak on a matter on the agenda (other than an item previously placed on the agenda at the request of the citizen) must sign up to do so with the City Clerk by no later than the start of the meeting at 7:00 P.M. The City Clerk shall make available to citizens, upon request, a sign-up form with pertinent information to be supplied by the citizen such as name, address and phone number, the matter on which the citizen wishes to speak, and other information as may be specified on the sign-up form. No person who is not a Council member shall be allowed to speak more than five minutes on any question when addressing the City Council. In the interest of time or to apportion time among speakers, the Mayor may reduce the time allocated to each person. The City Council may, however, by majority vote of those present extend or limit the time of any speaker. This subsection does not apply to matters added to the agenda at the Council meeting, matters removed from the Consent agenda at the Council meeting by a Council member, and public hearings.

2.6.7(b) Public Hearings.

2.6.7(b)(1) Zoning. On questions involving amendments to the zoning ordinance and on other questions involving the presentation of opposing views, the proponents of such question shall be heard first. Proponents are limited to a total of fifteen (15) minutes, provided that up to five (5) minutes of the fifteen (15) may be reserved for rebuttal. Opponents shall be heard after proponents. Opponents are limited to a total of fifteen (15) minutes. Proponents may next be heard in rebuttal. The time of proponents or opponents may be extended by a majority vote of Council members present. Where several speakers appear as proponents or opponents, the Mayor may

fix and apportion the permitted time among such speakers unless otherwise ordered by the Council. The time taken for staff presentations is not counted against the time of either the proponents or opponents.

2.6.7(b)(2) Other hearings. On questions which do not involve the presentation of opposing views, each person addressing the Council is limited to five (5) minutes; provided, however, a speaker for a group may be permitted by the Mayor to speak for up to ten (10) minutes unless otherwise ordered by the Council. In the interest of time or to apportion time among speakers, the Mayor may reduce the time allocated to each person, unless otherwise ordered by the City Council. The Council may, by a majority vote of Council members present, extend the time of any speaker.

2.6.7(b)(3) Evidentiary hearings. Hearings on license revocations and other similar hearings are not governed by the provisions of this section. The Council may fix reasonable time limitations for such hearings.

2.7 Parliamentary Procedure.

2.7.1 Action By Council.

The City Council shall proceed by motion. Any Council member may make a motion. Each motion requires a second. A Council member may make only one motion at a time.

2.7.2 Vote Required.

A motion to adopt an ordinance or resolution or to take any action having the effect of an ordinance or resolution requires at least four (4) affirmative votes. All other motions shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.

2.7.3 Renewal of Motion.

A motion that is defeated may be renewed at any later meeting, provided that the motion appears on the agenda or is added to the agenda in the manner provided by these rules.

2.7.4 Withdrawal of Motion.

A motion may be withdrawn by the maker at any time before a vote. The consent of the second to the motion is not required.

2.7.5 Debate.

The Mayor shall state the motion and then open the floor to debate on it. The Mayor shall preside over the debate according to the following general principles:

- (a) The Council member who makes the motion is entitled to speak first.
- (b) A Council member who has not spoken on the issue shall be recognized before someone who has already spoken.
- (c) The Mayor shall rule out of order any debate which is not relevant to the motion being debated.

2.7.6 Preserving Order.

The Mayor shall decide all questions of order. Any Council member may appeal to the City Council from the decision of the Mayor upon any question of order. A majority of the votes cast on the appeal, a quorum being present, is required to overrule the decision of the Mayor on the question of order.

2.7.7 Closed Sessions.

The Council may hold closed sessions as provided by law.

2.7.8 Ratifications.

To the extent permitted by law, the Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

2.7.9 Substantive Motions.

A substantive motion is out of order while another substantive motion is pending.

2.7.10 Procedural Motions.

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. In order of priority (if applicable), the procedural motions are:

2.7.10(a) To Adjourn.

The motion may be made only at the conclusion of all business which appears on the printed agenda or which has been added to the agenda in the manner prescribed by these rules. A motion to adjourn or recess to a time and place certain shall also state the time and place where the meeting will reconvene.

2.7.10(b) To Take a Brief Recess.

2.7.10(c) Call to Follow the Agenda.

The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

2.7.10(d) To Suspend the Rules.

The motion requires for adoption a vote equal to two-thirds of the actual membership of the City Council (excluding vacant seats), a quorum being present. This motion may not suspend provisions of rules that state requirements imposed by law.

2.7.10(e) To sever.

Any motion which contains two or more parts shall be severed upon request of any Council member and separate votes shall be taken upon the main motion and the severed part or parts of the main motion. The request is a matter of right, requires no second or vote, and is not debatable.

2.7.10(f) To Defer Consideration.

A substantive motion, the consideration of which has been deferred, expires after 100 days have elapsed following the day of deferral unless a motion to revive consideration is adopted during the 100-day time period.

2.7.10(g) Call for the Question.

This action requires no second, is not debatable and is effective when recognized by the Mayor. After a call for the question has been recognized by the Mayor, the Mayor shall endeavor to bring discussion to a conclusion and may, in the interest of time, cut off debate. Cutting off debate is a decision upon a question of order and is appealable under Section 2.7.6.

2.7.10(h) To Postpone to a Certain Time or Day.

2.7.10(i) To Refer to a Committee.

Ninety days or more after a motion has been referred to a committee, any Council member may compel consideration of the measure by the entire Council, whether or not the committee has reported the matter to the Council. This is accomplished by written notification to the City Manager and the Chair of the committee (or Vice Chair, in the absence of the Chair) to which the motion is referred. Notice must be given at least two business days before the date of the work session meeting preceding the City Council meeting at which the motion will be revived. The City Manager shall cause each such notice to be stamped with the time of receipt and such stamped time shall be conclusive for the purpose of determining compliance with the requirements of this paragraph.

2.7.10(j) To Amend.

An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the amendment has the same effect as rejection of the original motion.

A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by vote.

2.7.10(k) To Substitute.

A substitute motion must be pertinent to the subject matter of the motion. A substitute motion is improper if adoption of the substituted motion has the same effect as rejection of the original motion.

A substitute to a substitute motion may be offered but no further substitute motion may be made until the last-offered substitute has been disposed of by a vote.

The adoption of a substitute motion constitutes approval of a substantive motion and cancellation of the pending original motion.

Similarly, the adoption of a substitute to the substitute constitutes approval of a substantive motion and cancellation of both the pending substitute and original motions.

2.7.10(l) To Revive Consideration.

The motion is in order at anytime within the 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires after 100 days have elapsed following the deferral unless a motion to revive consideration is adopted within the 100-day period. A Council member must notify the City Manager in writing at least two business days before the work session meeting next preceding the Council meeting at which the motion will be made in order to permit the City Manager to put the item on the City Council's agenda. The City Manager shall cause each such notice to be stamped with the time of receipt and such stamped time shall be conclusive for the purpose of determining compliance with the requirements of this paragraph.

2.7.10(m) To Reconsider.

A motion to reconsider may be made by a Council member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment or recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order anytime before final adjournment.

2.7.10(n) To Rescind or Repeal.

The motion is not in order if rescission or repeal of an action is forbidden by law.

2.7.10(o) Consideration of Matters, Which Are Not on Agenda.

No substantive or procedural motion shall be received on any subject which does not appear on the agenda nor shall any subject be considered by the City Council unless, pursuant to Section 2.5, the subject is added to the agenda or is a ceremonial matter approved by the Mayor.

2.8. Resignation of Members.

Resignation of members of the City Council shall be in writing and shall specify the time that the resignation becomes effective. A resignation that fails to specify an effective time shall be effective when accepted by the City Council. The written resignation shall be filed with the City Clerk who shall record the date and time the resignation is filed. The City Clerk shall present the resignation to the next regular meeting of the City Council and such presentation shall not be subject to the requirements of Section 2.5. At such meeting or at such later time as the City Council may decide, the City Council shall vote on the question of accepting the resignation. A resignation may be withdrawn by the maker at any time prior to the time the City Council votes to accept it. A resignation may not be withdrawn, once it has been accepted by the City Council, except by an approving vote of the City Council.

2.9 Filling Vacancies.

2.9.1 The City Council shall identify and appoint a qualified person to fill an existing vacancy in the office of the Mayor or Council Member. The Council Member who has resigned or announced their intention to resign shall not participate in the process of filling their vacancy once their resignation has been accepted by the City Council. The Mayor or other presiding officer will serve as the chairperson over this process.

2.9.2 The City Clerk shall give public notice of the vacancy. The notice shall invite applications from persons who are interested in filling the vacancy. The form of the application shall be provided by the City Clerk. The form of the application shall be substantially similar to the form used on the most recent occasion of the filing of a vacancy in the office of the Mayor or Council Member, or such other form as may be prescribed by the City Council. Completed applications shall be filed with the City Clerk on or before a date specified in the application, which date shall be not more than 10 days after the first publication of the notice, or within such other period of time as may be prescribed by the City Council

2.9.3 The City Clerk shall investigate the tax records and voting records of each applicant to ensure that all Durham County taxes are current and that the applicant is a registered voter in Durham County. The City Clerk shall also determine that each

applicant satisfies all residency requirements to fill the vacancy. The applications and the information gathered by the City Clerk with respect to applicant tax records, voting records and residency shall be provided to the City Council.

2.9.4 The City Council shall develop criteria to be used as a basis for evaluating the applications. The City Council shall evaluate the applications based on the criteria and shall narrow the field of applicants to such number as the City Council deems appropriate.

2.9.5 The City Council shall develop a list of written questions (the "questionnaire") to elicit information, which it deems appropriate in evaluating the remaining applicants. The City Clerk shall mail or deliver the questionnaire to the remaining applicants. The questionnaire shall specify a due date, on or before which the completed questionnaire must be returned to the City Clerk. The City Clerk shall deliver the completed questionnaires to the City Council.

2.9.6 The City Council shall use the responses to the questionnaire as a basis for further narrowing the field of applicants to a final field of not less than three nor more than seven candidates. These candidates shall be invited to appear before the City Council to be interviewed.

2.9.7 The Mayor or other presiding officer shall schedule all meetings of the City Council for the purpose of filling a vacancy under this subsection. All such City Council meetings shall be called and held consistent with the State's Open Meetings Law. The Committee meeting or meetings to interview the candidates shall preferably be held during the evening hours on regular City business days. The Mayor or presiding officer shall attempt to obtain cable television coverage of the interviews.

2.9.8 The Council shall interview each candidate separately with the other candidates excused from the interview room.

2.9.9 At the conclusion of the meeting at which the interviews are conducted, or at a subsequent meeting, the City Council shall decide upon a candidate to appoint to fill the vacancy.

2.9.10 The business of the filling of a vacancy under this section shall be conducted with dispatch and consistent with all provisions of Section 13.2 of the City Charter.

2.9.11 The City Council is authorized to modify the procedure prescribed by this section (consistent with the general spirit and intent thereof) in order to deal with unexpected situations or to make timely progress.

2.10 Special Rules for Appointing Citizens to Boards, Committees and Commissions.

2.10.1 The rules contained in Attachment A, which is a part of these rules, govern the appointment of persons to the various Boards, Committees and Commissions of the

City, provided, however, the following Section 2.10.2 shall control with respect to nominations made by the Mayor.

2.10.2(a) Within ten days after the organizational meeting of the City Council, following each municipal election, the City Clerk shall prepare and furnish to the Mayor and Members of the City Council, a list showing the terms which will expire during the next two years of members of Boards, Committees and Commissions some or all of the members of which are appointed by the city Council.

2.10.2(b) Upon the occasion of the first term expiration to occur for each of the Boards, Committees or Commissions identified by the City Clerk on the list to which reference is made above, the Mayor shall, not later than twenty days before the expiration of the term under consideration, submit to the City Council, in writing, the nomination of a person to fill the position for which the term is expiring. Provided, however, this paragraph shall not apply to the following Boards, Committees and Commissions:

- (1) Those where existing law or regulation provides for the appointment of one or more members by the Mayor;
- (2) Those to which the City Council make only one appointment; and
- (3) Those for which only one term expiration occurs during the ensuing two-year period.

2.10.3 The City Clerk shall designate the foregoing Boards, Committees and Commissions to which this paragraph does not apply, on the list to which reference is made in paragraph (a) above. Notwithstanding any other rule to the contrary, except Section 2.7.10(d) (a motion to suspend the rules), the City Council shall, at its next regular meeting, vote upon the appointment of the person nominated by the Mayor to fill the position, and no other nomination shall be considered until after the City Council has voted upon the appointment of the person nominated by the Mayor.

2.11 Travel Policy.

The policy contained in Attachment B, which is a part of these rules, governs travel by City Council members on City business.

2.12 Sister Cities Policy.

The policy contained in Attachment C, which is a part of these rules, governs participation by Council members in the Sister Cities Program.

2.13 Matters in Litigation.

Communications to the City Council from citizens or their attorneys concerning matters in

litigation shall be directed to the City Attorney or counsel representing the City, as the case may be, and shall not otherwise be considered by the City Council or the committees.

2.14 Censuring Members.

A member of Council may be censured for extreme or outrageous conduct in making a deliberate and intentional violation of these rules. If the violation occurs at a public meeting, a prerequisite to censure shall be that the member has first been ruled out of order under Section 2.7.6 and the conduct continues after such ruling. Censure shall not take place at that meeting; rather, a Council member wishing to add a motion to censure another member shall contact the Manager's office in time to have the matter added to the printed agenda of the next meeting of the Council work session for discussion. The Council member charged with the violation shall have the right to be heard prior to any decision by Council on the matter. If Council finds that a violation warranting censure has occurred, Council may adopt a motion of censure, which shall be placed as a matter of record in the minutes of the meeting. Censure shall only take place at a regular or special meeting of Council and shall require at least five affirmative votes, a quorum being present.

2.15 Council Member Responsibilities as Liaison Appointments to Other Boards.

A member of Council may be appointed to serve as a liaison between the Council and another committee, board, authority, bureau, nonprofit corporation or other entity. As a liaison appointee, the member of Council should provide a link between Council and the other group. Unless the bylaws or procedures of the group provide otherwise, the member of Council shall not be a voting member and need not attend all meetings of the group with the same consistency as a regular voting member of the board of the group. The member of Council is not required to participate in other activities of the group, but should facilitate the exchange of information between the group and Council.

2.16 Rules of Decorum for Citizen Participation.

The Rules of Decorum for citizen participation apply to all City Council and work session meetings. These rules are posted on the walls of the Council Chambers and the Committee room, and are also available from the City Clerk.

III. CITY COUNCIL WORK SESSION.

3.1 Purpose.

This meeting is intended to be an informal working session of the City Council. Except as provided in Section 3.10, votes shall be taken only on procedural matters (including settling the agenda), but not on substantive matters (such as the matters included on the agenda).

3.2 Meetings.

The City Council will meet in the Committee Room on the second floor of the City Hall in a work session at 1:00 noon on the Thursdays falling eleven days prior to the first and third Mondays of each month. When any such Thursday shall be observed as a City holiday, then such meeting shall be held at such time as may be ordered by the Council.

3.3 Agenda.

The City Manager shall prepare the agenda for the work session. To the extent practical, the agenda shall be distributed to Council members not later than three days before the work session meeting. To the extent practical, supporting information shall be attached to such agenda so that Council members may be familiar with business to be considered by the work session.

3.3.1 Administrative Consent. The agenda shall include an “Administrative Consent” category, consisting of items which are considered routine by the City Manager. The following general matters of business are designated as routine matters:

- Taxicab Driver's Permits
- Transfer of Taxicab Ownership
- Annual Certification of Firemen
- Bids
- Bid Reports
- Minutes of prior City Council meetings
- Renewal of Insurance Contracts
- Time Payment Petitions
- Street Closings - Setting Public Hearings
- Assessments - Setting Public Hearings for Confirmation
- Street Improvements - Setting Public Hearings Ordering Improvements
- Traffic Matters - Stop Signs, Parking Restrictions, Handicap parking, Loading and Unloading, Speed Limits, etc.
- Street Acceptance

Stopping, Standing, or Parking Ordinances
Ceremonial resolutions added as matter of right under Section 3.5.3

The City Manager is authorized to remove items from the Administrative Consent category when, in the City Manager's judgment, such items are unusual or require a greater level of consideration by the Council. The City Manager is authorized to place in the Administrative Consent category other items, in addition to the matters listed above, which the City Manager deems to be routine in nature.

3.4 Business Limitations.

The work session is limited to consideration of:

- (1) Matters on the agenda, including citizen matters added in accordance with Section 3.4.1.
- (2) Receiving reports from the City Manager, City Attorney, and City Clerk.
- (3) Discussion of matters of concern to Council members, if added to the agenda in accordance with Section 3.5(3).

3.4.1 Citizen Matters.

3.4.1(a) A citizen may request to address the Council by contacting the City Manager in writing at least 10 calendar days prior to the date of the meeting. The City Manager shall request the name and phone number of the citizen(s) and a description of the matter to be presented in detail sufficient to permit the City Manager to know the nature of the matter to be presented. If the City Manager deems appropriate, the matter will be included on the printed agenda and an informed staff person will be present at the meeting to address the matter. Not more than six citizen matters may be placed on the agenda for a meeting. A matter that initially appears on the agenda as a citizen matter and is then referred by the Council at the work session to the City administration with a direction to report back at a future work session meeting shall be listed in the "Citizens Matters" section of the agenda when it comes back to the work session.

3.4.1(b) Matters of business that appear on the agenda as a result of requests of citizens shall be heard at 1:00 P.M.

3.4.1(c) A citizen wishing to speak on a matter on the agenda (other than an item already placed on the agenda under Section 3.4.1(a) at the request of the citizen) must sign up to do so with the City Clerk by no later than the start of the meeting at 1:00 P.M. The City Clerk shall make available to citizens, upon request, a sign-up form with pertinent information to be supplied by the citizen such as name, address and phone number, the matter on which the citizen wishes to speak, and other information as may be specified on the sign-up form.

3.4.1(d) Citizens shall not speak for more than three minutes on any matter when addressing the City Council at the work session. In the interest of time or to apportion time among speakers, the Mayor may reduce the time allocated to each person and cumulatively limit the time of all proponents or opponents to a matter. The Council may, however, by majority vote of those present, extend or limit the time of any speaker.

3.4.2 Disrespectful Comments.

The Mayor may rule “out of order” any comments which personally criticize or are disrespectful to citizens, City staff or other members of Council.

3.4.3 Debate Limited.

The first time a Council member has the floor on a matter, the member’s comments shall be limited to not more than five minutes. After all other members have had an opportunity to speak on the matter, the member may have the floor for an additional period of not more than three minutes. These time limits shall not include time spent by staff or others in responding to comments made by the member who has the floor. The City Clerk shall be the timekeeper for determining how much time has elapsed. The Council, by majority vote of those members present, may extend these time limits.

3.5 Order of Business.

Unless otherwise ordered, the order of business for regular meetings of the work session shall be as follows:

(1) Consideration of priority matters presented by the City Manager, City Attorney or City Clerk.

(2) Review of the printed agenda. The Mayor shall call the number of each agenda item and may, for clarity or upon request of a Council member, read the caption and/or the agenda item in its entirety.

(3) Consideration of requests to add matters to the agenda. Except as provided below for ceremonial resolutions, the Council shall not consider any matter that is not on the agenda, regardless of how the matter is presented, unless the person who seeks to introduce the matter for consideration shall state generally the subject of the matter and the Council shall approve adding such matter to its agenda by an affirmative vote of four members of the Council. An approving vote is not required for a Council member to add to the consent agenda a resolution honoring persons and organizations or commemorating events. No more than two such resolutions may be submitted by a Council member during a fiscal year (July 1—June 30) and no more than sixteen such resolutions may be submitted cumulatively by Council members during a fiscal year without complying with the provisions of Section 2.5. A resolution is considered to have been submitted by all Council members sponsoring or co-sponsoring the

resolution. If a Council member discloses that the member is sponsoring a resolution at the request of another member, then the resolution is considered to have been submitted by both members. If the resolution is added as a matter of right under this paragraph, then it shall be considered as a routine item and placed on the Consent Agenda pursuant to Section 2.3.1(a).

(4) Settling the agenda in the manner prescribed by the following Section 3.6.

(5) Consideration of closed session items, if any.

3.6 Settling the Agenda.

3.6.1 At the work session, the City Council shall settle the agenda for its upcoming regular meeting by majority vote of those present and voting. In doing so, the City Council may take any of the following actions:

(1) Approve the agenda in the form presented to it by the City Manager;

(2) Subject to the limitations of Section 3.6.1(3)(a) regarding public hearings, make corrections or revisions in the agenda. The corrected or revised agenda item shall be shown on the Supplemental Agenda for information purposes, but a separate vote at the regular meeting is not required to effect the correction or revision;

(3) Remove an item from the agenda and refer it to a future work session or to the City Manager, provided however, this action may not be taken with respect to:

(a) any public hearing,

(b) any item initiated by a Council member to compel consideration of a matter under Section 2.7.10(i), and

(c) a motion to revive consideration pursuant to Section 2.7.10(l);

(4) Add an item to the agenda. The item shall appear as an addition in the Supplemental Agenda and is not subject to the provisions of Section 2.5. Proclamations commemorating events, events honoring persons, organizations or other entities and similar matters must be added to the agenda at the work session or otherwise be subject to the provisions of Section 2.5.

3.6.2 Before the agenda is settled, the City Manager shall announce to the work session any matter of which the City Manager is aware which does not appear on the agenda or in any revision or addition thereto, but, in the judgment of the City Manager, is likely to be added to the Supplemental Agenda by the City Manager. The City Manager need not make such an announcement if, in his or her judgment, such an announcement would prejudice the best interests of the City.

3.6.3 The failure of the City Council at the work session to settle the agenda shall constitute approval of the form of the agenda presented by the City Manager.

3.7 Quorum.

Four (4) members of the City Council shall constitute a quorum for the work session.

A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

3.8 Abstention.

The same rules applicable to voting and abstention at regular evening City Council meetings shall apply to Council work session meetings.

3.9 Special Meetings.

Special work session meetings of the City Council may be scheduled for the purpose of considering lengthy reports of the City Manager or City Attorney or for discussing matters of concern to Council members. The City Clerk shall notify Council members of any such special meeting and shall give timely public notice thereof.

3.10 Substantive Votes.

3.10.1 Votes on substantive legal matters are permitted at the work session provided that:

(1) The matter is presented by the City Attorney as a priority item;

(2) If the matter is considered in closed session, the requirements of Article 33C of Chapter 143 of the North Carolina General Statutes (open meetings law) shall apply. Closed sessions will take place at the end of the other business of the work session or at some earlier time specified in the motion to hold the closed session. The limitations of Section 3.1, concerning votes on substantive matters, do not apply to votes taken pursuant to this section.

3.10.2 Votes on any other substantive matters (such as the matters on the agenda or matters added to the agenda) are not permitted at the work session unless the City Council first adopts a motion to suspend the rules in accordance with Section 2.7.10(d).

IV. COMMITTEES OF CITY COUNCIL.

4.1 Appointment by Mayor.

"The Mayor shall appoint all standing committees and special committees of the City Council, unless the City Council shall vote to elect any or all of such standing or special committees."

(Charter § 9, second paragraph, second sentence)

4.2 Special Committees.

The City Council may authorize the creation of special committees. All special committees authorized by the Council shall, unless otherwise ordered, be appointed by the Mayor. Special committees shall report back to the City Council through the work session.

V. MISCELLANEOUS CHARTER PROVISIONS.

Please see Attachment D for the following Charter sections:

§ 13.1 - Council to Judge Elections.

§ 13.2 - Vacancies in office of Mayor or member of City Council.

§ 13.3 - Special election to fill vacancies.

§ 14 - Double office holding.

§ 15 - Removal of elective officers from office.

§ 16 - City Manager.

§ 17 - Powers and duties of the City Manager.

§ 18 - Relations between the City Council and the City Manager.

Attachment A

PROCEDURES FOR APPOINTING CITIZENS TO BOARDS, COMMITTEES AND COMMISSIONS

1. The City Clerk shall administratively publicize vacancies on Boards, Committees and Commissions in advance of terms expiring to ensure appointment by Council prior to the termination date of the term.
2. The City Clerk shall establish a cutoff date (usually a 30 day period) and if an unqualified number of applications are received and/or unqualified number of applications received due to the residency requirements, then the City Clerk will administratively republicize for the additional time period, prior to beginning an agenda item to the assigned committee.
3. In addition to the publicizing procedures, the City Clerk shall administratively solicit interested citizens through professional organizations when appropriate.
4. After receipt of a resignation [within 6 months] or if an appointee cannot be contacted or does not come in to be sworn in – then the City Clerk shall submit to the appropriate committee the same applicants (previously submitted) for a new appointee/appointments.
5. When a term with six (6) months or less remaining is filled, then at the expiration date of the term the name of the appointee will be submitted to the appropriate committee for nomination for reappointment, and/or publicizing of vacancy.
6. The City Clerk has been authorized to administratively disqualify applications which do not meet the required “publicized vacancy” on various boards, commissions, and committees, i.e. residency, minority, non-minority, and category requirements.
7. Citizens will be required to sign a commitment of service when appointed to various boards, committees or commissions.
8. Boards, Committees and Commissions (staff representative) shall submit to the City Clerk’s Office a one-year attendance report covering the fiscal year July to June and calendar year January to December; and in turn the City Clerk will compile these reports into an agenda item for submission to the Council.
9. The City Clerk has been authorized to verify property tax status for applicants to Boards, Committees and Commissions. Property taxes must be current. County and City taxes must not reflect any delinquencies before an application is submitted. For persons appointed to the Board of Adjustment and Durham Planning Commission, property taxes must remain non-delinquent. If the member’s taxes become delinquent during the term of the appointment, the member shall be allowed up to 30 days to bring the taxes current.
10. Persons applying for appointment to a Board, Committee or Commission shall be in

compliance with all codes, ordinances and regulations that the particular Board, Committee or Commission enforces. The City Council shall not consider the application if the person fails to comply with the provision.

Members of Boards, Committees or Commission shall be in compliance with all codes, ordinances and regulations enforced by their particular Board, Committee or Commission. The City Council may remove a member from his or her Board, Committee or Commission for failure to comply with the provision.

11. Citizens may serve only two (2) consecutive terms on boards, committees or commissions except for members of the Design District Review Team and the Raleigh-Durham Airport Authority who are subject to serving three (3) consecutive terms.
- 12a. *Mayoral Appointments to Certain Boards and Commissions.* The Mayor shall be entitled to make a recommendation for Council approval for one citizen appointment to each of the boards and commissions listed below and to other boards or commissions that the Mayor may add to this list from time to time as described in (b) below. These appointments, although subject to approval by the City Council, shall be termed “Mayor’s appointee(s)” in these procedures. Only one Mayor’s appointee shall serve at any one time on a board or commission.

Durham Board of Adjustment
Convention and Visitors Bureau Board of Directors
Durham Housing Authority
Housing Appeals Board
Passenger Vehicle for Hire Commission
Durham Convention Center Authority
Raleigh-Durham Airport Authority
Durham Area Transit Authority
Recreation Advisory Commission
Durham Historic Preservation Committee
Human Relations Commission
Workforce Development Board
Durham Open Space and Trails Commission
Durham Youth Commission

- b. *Additions to List.* Should the Mayor wish to make appointments to boards or commissions not listed above, the Mayor shall inform the City Clerk in writing. Boards and commissions may be added to the list above if they include more than one City Council appointee, and such appointments generally occur at least every two years.
- c. *Process of Appointment and Reappointment.* The City Clerk shall inform the Mayor and the City Council of the expiration of the term of a current Mayor’s appointee, and of the availability of a vacancy on a board or commission listed in 12(a) above on which a Mayor’s appointee does not currently serve. The Mayor shall have 25 days from the date of the expiring term of the Mayor’s appointee or of a new vacancy proposed to be filled

by a Mayor's appointee to nominate a person, either an incumbent or a new nominee, for consideration by the City Council for the position. The Mayor may decline at any time to make a nomination. If the Mayor does not make a nomination, or in the event the Council does not approve the nominee, applicants shall be sought using the Council's normal recruitment process.

- d. *Length of Term and Term Limits.* The term of the Mayor's appointee shall correspond to the term established by law or ordinance, interlocal agreement, or other controlling authority for the board or commission. In addition, the number of consecutive terms which may be served by the Mayor's appointee shall be as otherwise provided for all appointees to the board or commission. If there are no limits established by law, ordinance, interlocal agreement, or other controlling authority, then, notwithstanding any limitation that may exist for Council appointees to boards and commissions, the Mayor's appointee may be nominated for, and reappointed for, an unlimited number of terms. If the Mayor's appointee for a particular board has exceeded two terms, the Council shall be informed of such at the time of voting on the appointment.

(Note to Paragraph d: The following are the boards from the list in (a) above that, as of April 1, 2008 do not have limitations on number of terms that can be served:

Convention and Visitors Bureau Board of Directors (2 year term)
Durham Housing Authority (5 year term)
Housing Appeals Board (3 year term)
Passenger Vehicles for Hire Commission (3 year term)
RDU Airport Authority (2 year term)
Human Relations Commission (3 year term)
Workforce Development Board (2 year term)
Durham Youth Commission (1 year term)

- e. *Modification by City Clerk* The City Clerk, after consultation with the City Attorney, shall be authorized to administratively modify the lists in Paragraphs 12(a) and 12(d) above to reflect boards and commissions newly identified by the Mayor as additions to 12(a), and to reflect changes in law, ordinance, interlocal agreements, and other controlling authority that may alter the list in note 12(d) above. Notice of any such changes shall be given in writing to all Council members.
13. Citizens must serve one (1) full term before they are eligible to apply to any other board, committee or commission, except in unusual circumstances. Citizens must wait one(1) full term before reapplying to a board, committee or commission.
14. Appointments of citizens to advisory boards, committees and commission shall be representative of the race and sex of the population of Durham when possible.
15. Citizens may serve on only one board, committee or commission [as a City Council Appointee].

16. Citizens appointed should be residents of the City of Durham except for those committees where there is a county residency designation.
17. Applications for boards, committees and commissions, which have requirements for special areas of knowledge, should be considered in that light.
18. The City Clerk notifies appointees whose terms are expiring so that they may re-apply, if eligible and willing to serve.
19. The City Council expects all its appointees to boards, committees and commissions to attend all regularly scheduled board meetings.
20. Members of a board, committee or commission shall attend at least fifty percent (50%) of the meetings in a given 12-month period. It shall be the policy of the City Council to remove that appointee in the absence of his/her showing good cause, and to make another appointment. This paragraph shall not apply to members of the Human Relations Commission, who are subject to the attendance requirements of Section 34-108(e) of the City Code or boards, committees and commissions that have their attendance requirements addressed through by-laws or interlocal agreement.
21. The City Clerk shall inform all board, committee or commission appointees of this attendance policy.
22. When an attendance report submitted to Council shows that a member of a board has not complied with the attendance policy, the City Clerk shall notify the chair of the board in writing regarding the member's lack of attendance. Further, when the subsequent attendance report submitted to Council shows that same member of the board has not complied with the attendance policy, the City Clerk shall notify the board member in writing that such member has been removed from the board.
23. It is the City Council's policy not to appoint City employees to any Board, Committee, or Commission.
24. All Boards, Committees and Commissions will submit a written report (concise) in review of the 12 months to the Council in January of each year consisting of the following components:
 - a) what was done that made a difference;
 - b) the proposed plans and objectives for the upcoming 12-month period; and
 - c) what type of resources (if any) may be needed in pursuing upcoming plans and goals, so that we are better able to anticipate future needs.
 - d) Annual Attendance Report of attendees.
25. All Boards, Committees and Commissions will keep minutes of meetings and furnish to the City Clerk a copy of the approved minutes within 15 days after the next meeting of the body.

Revised by Council on November 2, 1998
Revised by Council on November 19, 2001
Revised by Council on November 4, 2002
Revised by Council on December 16, 2002

Revised by Council on March 3, 2003
Revised by Council on February 21, 2005
Revised by Council on April 21, 2008
Revised by Council on June 15, 2009
Revised by Council on March 19, 2012

Attachment B

MAYOR AND COUNCIL MEMBERS

TRAVEL AND MISCELLANEOUS EXPENSE POLICY

I. PURPOSE

The purpose of this policy is to establish procedures relating to travel and reimbursement of expenses of the Mayor and Council Members.

II. TRAVEL POLICY

The intent of the travel and expense allowance for City Council Members is to pay for expenses incurred for travel and publications, or attendance at events, which are designed to enhance the skills or knowledge of the elected official related to his or her office.

Expense allowances may not be used to:

attend events sponsored by local organizations (except those which qualify under the preceding sentence),

pay for memberships to local organizations or donations to charitable organizations.

If a Council Member is in reasonable doubt about whether an anticipated expenditure is or is not appropriate under this policy, then the Council Member should present the matter to the City Council for resolution in a timely manner.

The City Council shall, upon adoption of the Annual Budget, set an expense allowance for each Council Member. The expense allowance shall cover travel expenses, workshops, subscriptions and memberships.

Upon agreement of both parties involved, and approval by the City Council, Council Members may transfer funds among themselves as long as expenditures from this fund do not exceed the budgeted amount.

Accommodations for individual(s) who have disabilities shall be included in making travel arrangements. Contact with the individual(s) to insure what accommodations are needed should be made before travel arrangements are finalized.

III. TRAVEL ADVANCE

Travel shall be described as one of two types:

OVERNIGHT TRAVEL - Any travel that requires an overnight stay.

NON-OVERNIGHT TRAVEL - Any travel that does not require an overnight stay and is outside the City and County of Durham.

A traveler may be given an advance for overnight travel only and it may include allowances for meals, air travel or personal auto mileage, lodging and registration fees.

The pink copy of the Travel Authorization Request form must be received in the Department of Finance, before a travel advance check is prepared.

All travel advance payments must be requested on Request for Check forms and must be received in the Department of Finance a minimum of five (5) work days prior to departure on overnight travel. Manual checks for travel advances will be issued after the approval of the City's Finance Officer.

A travel advance will not be issued for overnight travel for less than \$25.00.

After the completion of the trip, all related expenses must be reported and accounted for in accordance with City policies within seven (7) calendar days to the Accounting Services Division of the Finance Department. Until such time as this is done, the traveler may not take additional trips to be funded by the City.

Neither a travel advance nor prepayment of travel expenses/expenditures will be made to a traveler who has not reconciled and settled prior travel.

IV. OVERNIGHT TRAVEL EXPENSES

1. Transportation

Reimbursement will only be paid for travel by the most direct route.

A traveler may elect to use his/her own air or ground vehicle in lieu of coach class air transportation or train. Reimbursement for use of a personal vehicle will be at the standard mileage rate allowed by the Internal Revenue Service per land mile but at no time shall the total reimbursement exceed the coach class air transportation fare available at the time the travel arrangements could reasonably have been made.

For air travel, it is the responsibility of the traveler to acquire the best rate available.

For travel by rail or bus, the amount reimbursed will not exceed the fare available at the time travel arrangements could reasonably have been made.

WHEN A TRAVELER CAN SHOW A NET SAVINGS ON AN AIRLINE TICKET BY EXTENDING TRAVEL OVER A SATURDAY, ETC., IT IS RECOMMENDED THAT THE TRAVELER TAKE ADVANTAGE OF THIS SAVINGS. THE ADDITIONAL HOTEL ROOM AND MEALS

COSTS SHOULD BE TAKEN INTO CONSIDERATION WHEN
COMPUTING THIS NET SAVINGS.

The last copy of any commercial transportation ticket used by the Council member must be attached to the traveler's Travel Authorization form for documentation and/or reimbursement.

Bus, taxi, or subway fares in the destination city are additional allowable expenses. Receipts are not required for bus, taxi, or subway fares.

2. Lodging

The actual cost of lodging will be reimbursed when supported by a bill with itemized daily charges identified. This paid bill must be attached to the traveler's Travel Authorization form for reimbursement. If a traveler's spouse or other travel companion accompanies the traveler and is occupying a room with the employee, only the single room rate will be reimbursed. It is the responsibility of the traveler for documenting that the single and double rates were the same rate.

3. Meals

Expenses for meals will be reimbursed without receipts at the per diem rate established by the Internal Revenue Service.

Prorating of the per diem rate.

a) The full per diem rate is used for a complete 24-hour day of travel (i.e., 12:01 a.m. to 12 midnight) or for any day for which travel constitutes more than 75% of the 24 hour period.

b) Any travel that constitutes less than 75% of the 24-hour day is considered a partial day. For example, departure after 6:00 am or return before 6:00 pm would be considered a partial day. A partial day will be subject to 75% reimbursement. Time and date of departure and return must be completed on the Travel Authorization Form. Per diem allowance will be determined by Department of Finance personnel.

Travelers may elect to obtain paid meal receipts while on either overnight, or non-overnight travel. A maximum of \$45.00 per day will be reimbursed for meals when substantiated by a meal(s) receipt(s)

For Sister Cities trips, the \$45.00 per day maximum reimbursement for meals shall be adjusted by factors such as the applicable currency exchange rate or cost of living to reflect the equivalent cost of meals in the Sister City being visited. The City Administration shall perform this calculation prior to the Sister City trip.

Additional costs of workshop/seminar banquets/dinners will be reimbursed when substantiated by the workshop/seminar agenda as meals covered by paid receipts.

During the period of travel, a mixture of STANDARD DAILY MEAL ALLOWANCE and meals covered by paid receipts may be submitted, but during any twenty-four hour period only one method may be used.

Tips on meals will be reimbursed up to 15% of the amounts shown on paid meal receipts.

4. Registration Fees

Fees may be paid in advance by the City. A Request for Check form, with an attached registration form and workshop/seminar agenda, is required for making an advance payment. Paid receipts are required when registration fees are not paid in advance by the City.

5. Miscellaneous fees, charges and expenses

Parking fees will be reimbursed when documented with paid receipts.

A daily telephone charge made by a hotel/motel will be reimbursed when this charge is shown daily on a paid receipt. Only calls made on city business will be reimbursed. Personal calls will not be reimbursed.

Baggage handling tips/charges will be allowed on the traveler's beginning and ending travel dates only. An amount up to \$3.00 per travel beginning and ending day will be reimbursed to the traveler for tips of this nature. Only with receipt meals this is included in per diem reimbursement.

Maid service tips will not be reimbursed.
Receipts for alcoholic beverages will not be reimbursed.

6. The City will not pay or reimburse a traveler for the transportation, lodging, meal or other expenses of a traveler's family or other traveling companion(s) except as required to accommodate the needs of a disabled traveler.

V. NON OVERNIGHT TRAVEL EXPENSES

1. Transportation

Reimbursement for use of personal vehicle will be at the standard mileage rate allowed by the Internal Revenue Service.

Reimbursement for commercial transportation will be paid at a rate equal to the lowest fare available when travel arrangements could reasonably have been made.

A paid receipt is required for the reimbursement of parking or other transportation fees

2. Meals

The City of Durham Travel Authorization Form is not required prior to this travel, but must be used if reimbursement for meals is requested. Meals are limited to \$25 per day. The rate includes tax and tip. Receipts are required.

Reimbursement for non-overnight meals is taxable income and will be included in year end wage and tax statements.

THE COST OF WORKSHOP/SEMINAR BANQUETS/DINNERS WILL BE REIMBURSED WHEN SUBSTANTIATED BY THE WORKSHOP/SEMINAR AGENDA.

3. Registration Fees

Fees may be paid in advance by the City. A Request for Check form, with an attached registration form and workshop/seminar agenda, is required for making an advance payment. Paid receipts are required when registration fees are not paid in advance by the City.

REIMBURSEMENTS AND ALLOWANCES MADE OUTSIDE OF THE INTERNAL REVENUE SERVICE'S REGULATIONS WILL BE INCLUDED AS INCOME ON THE EMPLOYEE'S W-2 ANNUAL INCOME TAX FORM.

ADOPTED BY COUNCIL ON SEPTEMBER 16, 1991
REVISED BY COUNCIL ON SEPTEMBER 18, 1995
REVISED BY COUNCIL ON NOVEMBER 2, 1998
REVISED BY COUNCIL ON MARCH 20, 2000
REVISED BY COUNCIL ON MAY 7, 2001
REVISED BY COUNCIL ON DECEMBER 3, 2001

MAYOR AND COUNCIL MEMBERS

Reporting of Council Use of Funds

Purpose

The purpose of this policy is to provide a policy for the reporting of City funds advanced for travel or other expenses for Mayor and City Council members.

Policy

Section 1 When City's funds are advanced for a specific purpose and in accordance with a City policy, reconciliation must be made within the required time stated in the policy. If a full and completed reconciliation is not completed in accordance with the terms of the advance the Department of Finance will report to the individuals monthly for any funds due to the City of Durham.

Section 2 If Mayor or Council Member owe the City for other expenses, the City Manager will report to the Council member the amount that is outstanding by the 25th of the following month.

APPROVED: MAY 7, 2001

Attachment C

Sister Cities Policy Statement:

The purpose of Sister Cities trips is to broaden the understanding of city officials concerning the differences in cultures and governing organizations, to expose Council members to other ideas, points of views and various experiences not easily obtained through other means, and to encourage ties that will lead to mutual economic benefits.

(The following information was prepared by Council Member Paul Miller, presented to the Procedures Committee on August 18, 1998, and adopted by City Council on November 2, 1998)

This attachment is designated to establish special policy requirements specifically for Sister City travel by members of the City Council. The guidelines set forth in this policy are a reflection of the memorandum from Mayor Wib Gulley on March 31, 1989.

Purpose of the Sister City Policy:

1. To encourage each member of City Council to be an active participant in the Sister City Program, and
2. To establish the framework, which would allow equal access by each member of the City council wishing to participate in the Sister City Program.

The guidelines are as follows:

1. Any Council Member who chooses to make a visit to a Sister City must agree to undertake the responsibilities necessary to make the public investment justifiable. By this, before any visit, each Council Member should spend time preparing by studying the culture and language of the Sister City, should work closely with the Sister City Committee on plans and arrangements for the visit, should spend the time of the visit in useful and productive ways considering the purpose of the journey, and finally, should be committed to spending a lot of time after the visit meeting and sharing the insights of the experience and working to build stronger bonds between Durham and the Sister City. This means hours of serious work beyond Council duties including:

- a) study the City's history, culture, customs and language;
- b) study and learn the governmental structure of that City, the names and titles of its

major elected and appointed officials and gather information about the major concerns and challenges facing the Sister City's government;

- c) become an active member of the local Sister City Committee which is responsible for our joint efforts with that particular City and take an active role following a visit to the Sister City in sharing information and experiences at community and governmental forms; and
- d) be available to help host visiting delegations from that City.

2. Each Council Member shall be able to make one "official" visit to a Sister City every three (3) years with the financial support of City government, and this would be considered a major part of our investment in the Sister Cities Program. At his or her own personal expense, each Council Member could make additional visit, if they desire.

3. That Section IV. (4) of the Travel Policy be amended to add the following provision: "For Sister Cities trips, the \$45.00 per day maximum reimbursement for meals shall be adjusted by factors such as the applicable currency exchange rate or cost of living to reflect the equivalent cost of meals in the Sister City being visited. The city administration shall perform this calculation prior to the Sister City trip."

4. No more than four (4) City Council Members should go on any one "official" visit to a Sister City during a three-year period.

5. If there are more than four (4) Council Members who would like to be a part of the official visit to a particular Sister City, then the selection of Council Members should be made on the basis of seniority or total length of service on the City Council.

The following are additional items not included in Wib Gulley's memo of March 31, 1989:

6. No Council Member shall visit a Sister City during the annual budget hearings of the City Council or annual budget meetings of the Council work session.

7. Council Members wishing to visit a Sister City more than once in three (3) years at the expense of the City (the Council Member's travel budget), must get the approval of the City Council first.

Approved by Council on April 24, 1989



CITY OF DURHAM
NORTH CAROLINA

CITY OF MEDICINE

THE MAYOR
101 CITY HALL PLAZA
DURHAM, NORTH CAROLINA
27701

March 31, 1989

Memo To: City Council Members

From: Mayor Wib Gulley *WPG/bj*

Subject: Sister Cities Policy for City of Durham

As you know, for over two years a number of Durham citizens have been working to develop a Sister Cities program for our community. In the last several months, sister city relationships have been firmed up for Toyama, Japan and Kostroma, USSR. There has been an established but somewhat less active relationship as well with the city of Durham, England. Finally, I was told recently that the city of Arusha, Tanzania received an inquiry from the Sister Cities Africa Committee earlier this year and responded by voting to establish a sister city tie with Durham.

I know that all of you are aware of these developments, because the City Council has passed resolutions or agreements regarding sister cities at various points along the way.

Some specific questions about how the City is involved in sister city relationships have crystallized recently with the request from Toyama, Japan that a delegation including City Council members visit their town in June for the formalization of our sister city ties. Toyama indicated that they would like the Mayor and up to four Council members to visit them on this occasion. One question that naturally arises is who from the Council should go.

This question did not get any easier to answer by asking who on the Council would like to go. By my count, eight or nine members of the Council said they would want to go. The dilemma, then, is trying to fashion a decision as to who should go.

I have given this question a great deal of thought over the last two months, and I want to try to propose an answer. First, however, I want to emphasize that the decision here is one that the Council should, must and will make. All of you have the shared responsibility on this one.

Attachment C
(Continued)

By way of setting a context for resolving this question, I would ask that we all consider the following:

1. We should all see the matter as one of setting a policy for Council visitation with sister cities that will be a sound policy for this year, for next year, and for years to come. We are the first Council to address this issue, but we should be fashioning a policy that will take care of these matters for many years, if possible.

2. Secondly, I would want to suggest that the context is not one visit to Toyama, Japan. Rather, I think a visit to Toyama, Japan is the first sister cities visit, but it seems clear that a visit by some Council members to Arusha, Tanzania would be necessary in 1990 to sign formally the Sister City Agreement and kick off the tie between our communities. A formal visit by some Council members to Kostroma, USSR would also appear to be necessary in the next year and a half, because an official return visit (after they visit us sometime in the next six to nine months) would be expected and natural.

I am told that the Durham, England Committee is working and that an official visit by city officials would also be in order in the next several years. And I would urge us to see that the Toyama visit is not the only visit possible to that city over the next several years.

Overall, it seems likely that we as a Council will average about one sister city visit per year for the next three to four years at a minimum. This fact also seems important in deciding what our policy should be.

3. Any Council member who chooses to make a visit to a sister city must agree to undertake the responsibilities necessary to make the public investment justifiable. By this, I mean that before the visit each Council member should spend time preparing by studying the culture and language of the sister city, should work closely with the Sister City Committee on plans and arrangements for the visit, should spend the time of the visit in useful and productive ways considering the purpose of the journey, and finally should be committed to spending a lot of time after the visit meeting and sharing the insights of the experience and working to build stronger bonds between Durham and the sister city. This means hours of serious work beyond Council duties.

With the above in mind, we must decide what our policy for Council participation in sister city visits will be. We could, of course, simply let everyone on the Council who wants to go on any visit go. I would find this approach difficult to justify to myself or the public as a fiscally responsible answer. I do not think the public would stand for this; and I could not support it.

If we are then to limit who goes from Council, how should it be done? The best answer I have at this time, and my proposal, is this:

Attachment D

PART I CHARTER*

CHAPTER III. MAYOR AND COUNCIL

Sec. 13. (Repealed by Laws 1979, Ch. 852, § 1)

Sec. 13.1. Council to judge elections.

The city council shall be the judge of the election and qualifications of its members.
(Laws 1979, Ch. 852, § 2)

Sec. 13.2. Vacancies in office of mayor or member of city council.

- (a) For the purpose of this section, the word “vacancy” also includes a refusal or failure to qualify for office.
- (b) If a vacancy occurs in the office of mayor, the city council shall, except as provided in subsection (d) of this section, within sixty (60) days of the vacancy, choose some qualified person for mayor for the unexpired portion of the term.
- (c) If a vacancy occurs in the office of council member, the city council shall, except as provided in subsection (d) of this section, within sixty (60) days of the vacancy, choose some qualified person to fill the place of such council member for the remainder of the unexpired term.

If the vacancy to be filled occurs in a seat occupied by a council member elected from a ward, then such person chosen to fill such vacancy shall reside in the ward from which the council member whose place is to be filled was nominated.

- (d) If the council fails to choose some qualified person within sixty (60) days after the vacancy occurs, it may not fill the vacancy by appointment, but shall call a special election under the provisions of section 13.3 of this charter, provided that if the vacancy occurs after the first day of June in the year in which the term is to expire, the council need not call a special election.
(Laws 1979, Ch. 852, § 2)

Sec. 13.3. Special election to fill vacancies.

- (a) If the city council is required to call a special election under the provisions of section 13.2 of this charter, it shall follow the procedures of this section.

(b) The special election shall be called and conducted in accordance with G.S. 163-287, except as otherwise provided in this section.

(c) The council shall within seven (7) days of the expiration of the sixty (60) day period provided in section 13.2(d) of this charter adopt a resolution calling a special election. Such special election may be held on the same date as any county or State or municipal primary, or general election, referendum or special election, but may not otherwise be held within the period beginning thirty (30) days before and ending thirty (30) days after the date of any such election, primary, special election, or referendum.

(d) If the city council calls a special election to be held at the time of the regularly scheduled elections for municipal officials, the special election shall be conducted according to the rules, regulations and procedures established for such regular elections by Subchapter IX of Chapter 163 of the General Statutes of North Carolina. The election shall be conducted according to the nonpartisan primary and election method. If the city council elects to change the method of determining the results of the regular municipal elections, the special election shall be conducted according to the method chosen by the city council.

(e) If the city council calls for a special election to be held at any time other than the time of the regularly scheduled elections for municipal officials, the election shall be conducted according to the rules, regulations and procedures established for special elections by G.S. 163-287 and by the remainder of Chapter 163 of the General Statutes of North Carolina, as modified by the following provisions:

(1) The election shall be conducted and the results of the election determined in accordance with the nonpartisan plurality method of election set out in G.S. 163-292.

(2) Candidates may file their notices of candidacy during the time prescribed by G.S. 163-294.2.

(3) The filing fee in the special election shall be the same as that most recently fixed by the city council pursuant to G.S. 163-294.2(e) for the regularly scheduled election for municipal officials.

(Laws 1979, Ch. 852, § 2)

Sec. 14. Double office holding.

No person elected to the city council, whether he qualify [qualifies] or not, shall, during the term for which he was elected, be elected or appointed to any other position, or office of trust or profit, under the city government. However, when a vacancy exists or shall occur in the office of mayor, a council member shall not be debarred from election as mayor for the existing term or unexpired part of the term.

Sec. 15. Removal of elective officers from office.

- (1) Absence from five (5) consecutive regular meetings shall operate to vacate the seat of a council member, unless the absence is excused by the council by resolution setting forth the reason therefor, and such resolution shall be entered upon the minutes.
- (2) The city council by a vote of four (4) of its members, in meeting assembled, shall have power to remove from office the mayor or any council member for misfeasance, malfeasance, corruption, neglect of duty or other misconduct in office, but the person to be proceeded against shall have at least ten (10) days' notice in writing of the motion to remove him, accompanied by a copy of the charges alleged as the grounds for his proposed removal. He shall have the right to be heard in person or by counsel in his defense. In case of the removal of the mayor, or any council member, the vacancy shall be filled by the city council or the remaining members thereof.
- (3) The mayor or any member of the city council may also be removed from office in the following manner:
 - (a) Any elector of the city may make and file with the Supervisor of Election of the Board of Elections of Durham County an affidavit containing the name of the City officer whose removal is sought and a statement of the grounds alleged for his removal. The said supervisor of elections shall thereupon deliver to the elector making such affidavit copies of petition blanks for demanding such a removal, printed forms of which the supervisor of elections shall keep on hand. Such blanks shall be issued by the supervisor of elections with his or her signature thereto attached and shall be dated and addressed to the Board of Elections of Durham County, indicate the person to whom issued, and state the name of the officer whose removal is sought. A copy of the petition shall be promptly delivered to the city clerk who shall enter the copy of the petition in a record book kept for that purpose in the office of the clerk. A recall petition to be effective must be returned and filed with the supervisor of elections within thirty (30) days after the filing of the affidavit, and to be sufficient must bear the signature of registered voters of the city equal in number to twenty-five (25) per cent of the registered voters of the city as shown by the registration records of the last preceding general municipal election.
 - (a1) It shall be the duty of the Board of Elections of Durham County to investigate the sufficiency of any such petition and to certify the results of such investigation to the city council. The board of elections may employ such persons as it deems necessary to undertake such investigation and the reasonable cost of such investigation shall be reimbursed to the board of elections by the city. The board of elections may adopt such rules and regulations as it deems necessary or advisable concerning the validation of signatures appearing on the recall petition, and such rules and regulations shall be available for public inspection consistent with Chapter 132 of the General Statutes.

(b) If a recall petition shall be certified by the board of elections to be sufficient, the board shall at once submit it to the council with its certificate to that effect and shall notify the officer whose removal is sought of such action. If the officer whose removal is sought does not resign within five (5) days after such notice the council shall thereupon order and fix a day for holding a recall election. Any such election shall be held not less than fifty (50) nor more than seventy (70) days after the petition has been certified to the council, and it may be held at the same time as any other general or special election within such period; but if no other election is to be held within such period the council shall call a special recall election to be held within the time aforesaid, provided however, if the provisions of general law prohibit the holding of special elections during the time aforesaid, and no general or special election is otherwise scheduled during said period of time, then the council shall call said special recall election for some date within ten (10) days after the last day of said period of time during which special elections are prohibited by general law.

(c) The question of recalling any number of officers may be submitted at the same election but, as to each such officer, a separate petition shall be filed and there shall be an entirely separate ballot.

(d) The ballots used in a recall election shall submit the following propositions in the order indicated:

- ☐ For the recall of (name of officer).
- ☐ Against the recall of (name of officer).

Except that the spaces left for the name and date shall be filled by the correct names and date, the ballots used in a recall election shall be in form substantially as follows:

RECALL ELECTION

City of Durham

_____ (month and day of month) _____ 20____.

For the recall of _____

Against the recall of _____

(e) If a majority of the votes cast on the question of recalling an officer be against his recall he shall continue in office for the remainder of the unexpired term, but subject to the recall as before. If a majority of such votes be for the recall of the officer designated on the ballot he shall, regardless of any defects in the recall petition, be deemed removed from office.

(f) If an officer in regard to whom a sufficient recall petition is submitted to the board of elections shall resign before the election, or be removed as a result thereof, the vacancy so caused shall be filled in the manner provided by this charter for filling vacancies in such office, except as provided in section 15(3)(h). But an officer removed by the voters as the result of a recall election, or resigning after a sufficient petition for his recall has been submitted to the board of elections shall not be reelected to fill the vacancy caused by his own removal or resignation.

(g) No recall petition shall be filed against an officer within three (3) months after he takes office, nor, in case of an officer subjected to a recall election and not removed thereby, until at least six (6) months after that election.

(h) If the recall of a majority of the members of the city council, including the mayor as one of the members, shall be effected at a single recall election, the successors of the officers recalled shall be elected by the registered, qualified voters of the city at a special municipal election, and said successors shall serve for the unexpired part of the terms of the officers recalled. The members of the city council who have not been recalled are empowered to call said special election and to make all necessary provisions regarding the same in conformity to the constitution and general laws of North Carolina. If the recall of all of the members of the city council, including the mayor, shall be effected at a single recall election, they shall be continued in office for the purpose, and only for the purpose, of calling a special municipal election for the election of their successors as above provided, and of ascertaining and declaring the result thereof.
(Laws 1987, Ch. 280, §§ 1--4; Ord. No. 12281, § 5, 5-7-01)

CHAPTER IV. ORGANIZATION AND ADMINISTRATION

ARTICLE 1. APPOINTIVE OFFICES

Sec. 16. City manager.

A city manager shall be chosen to be the administrative head of the municipal government. He shall be chosen by the council without regard to his political beliefs, and solely upon the basis of his training, and executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or state. The city manager shall receive such compensation as shall be provided by the council by ordinance. He shall give such bond as may be required by the city council. He shall be appointed for an indefinite period, and shall serve at the will of the council; provided, however, that he may not be removed within twelve (12) months from the date on which he assumed his duties, except for incompetence, malfeasance, misfeasance, or neglect of duty. In case of his removal within this period, he may demand written charges and a public hearing thereon before the council prior to the date on which his final removal shall take effect; but the decision and action of the council on such hearing shall be final, and pending such

hearing the council may suspend him from duty. During the absence or disability of the city manager, or while the office is not filled, the council shall designate some properly qualified person to perform his duties.

Sec. 17. Powers and duties of the city manager.

(a) The city manager shall be responsible to the city council for the efficient administration of all the affairs of the city under his direction and control. It shall be his duty to attend all meetings of the city council, with the right to take part in the discussion, but without a vote. He shall be entitled to notice of all special meetings. He shall recommend to the city council from time to time such measures as he shall deem necessary, and shall furnish the city council with necessary information respecting any of the departments of the city under his direction and control. The city manager shall not be personally interested in any contract in which the city is a party for supplying the city materials of any kind. The city manager shall have power, and it shall be his duty, to see that the laws and ordinances of the city are enforced. He shall have power and authority to revoke licenses, pending action by the city council.

(b) Except as otherwise provided in this charter, the city manager shall have power to appoint and remove all heads of departments and all subordinate officers and employees of the city. He shall, except when clearly inconsistent with the provisions of this charter, exercise supervision and control over all departments and divisions created herein, or that hereafter may be created by the city council. He shall see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof, he shall call the attention of the city council and the city attorney to the same. He shall make and execute all contracts on behalf of the city in such manner as is authorized or provided by resolutions or ordinances passed by the city council. The city council may on such terms as it deems proper, allow the city manager to authorize one or more assistant city managers and deputy city managers to make and execute such contracts. He shall prepare and submit to the city council a proposed annual budget, after receiving estimates made by the heads or directors of departments or by any board officer, or commissioner not within a department. He shall keep the city council at all times advised as to the financial needs and condition of the city. He shall from time to time make oral and written reports to the city council of the condition and efficiency of the various departments of the city government under his direction and control. The council may in its discretion cause such written reports to be published for the information of citizens. The city manager shall perform such other duties as may be prescribed by this charter, or be required of him by ordinance or resolution of the city council.

(c) The city manager shall not engage in political campaigns for elective office, nor attempt to influence the result of such campaigns, except by exercising his right to vote. Improper campaign activity as described herein by the city manager shall be a cause for his immediate suspension or removal from office.

(d) The city council may delegate authority to the city manager to purchase real property or any interest in real property, provided:

(1) The money for the purchase of such real property or interest in real property is available in the then current budget; and

(2) The city manager, within forty-five (45) days following the purchase, shall submit to the city council a written report setting forth the names of the persons from whom such property or property interest is purchased, a general description of the property or interest in property acquired, the purchase price paid therefor, and the intended use of the property or interest in property.

(e) The city council may authorize the city manager to make, approve, award, and execute any contract for the purchase of apparatus, supplies, materials, or equipment and any contract for construction or repair work provided:

(1) The amount of the contract shall not exceed one hundred thousand dollars (\$100,000.00);

(2) The city manager shall, within (45) days of the award of such contract, report such award to the city council, provided however, contracts in an amount less than an amount prescribed by the city council need not be reported;

(3) The city manager shall comply with all applicable provisions of Article 8 of Chapter 143 of the General Statutes, and of section 84 of this charter. The city manager may take any action that the city council is required or authorized to take under Article 8 of Chapter 143 of the General Statutes in making, approving, awarding, or executing such contracts.

(Laws 1979, 2nd session, Ch. 1249, § 1; Laws 1981, Ch. 694, § 1; Laws 1983, Ch. 458, § 1; Laws 1991, Ch. 532, § 2, Ch. 617, § 1; Laws 1993, Ch. 121, § 1; S.L. 1999-36)

Sec. 18. Relations between the city council and the city manager.

Except for the purpose of inquiry, the council and its members shall deal with the administrative service of the city solely through the city manager hereinafter provided for, unless otherwise provided in this charter. No member of the council shall give orders to any of the subordinates of the city manager either publicly or privately. Where this charter gives to the city manager the power to appoint or to employ persons in the administrative service of the city, neither the council nor any of its members shall dictate the appointment or employment of any such person or persons, but the city manager shall be left free to exercise his own judgment in appointing or employing such person or persons.

**CITY OF CHARLOTTE CIVIL SERVICE BOARD
RULES OF PROCEDURE**

- AUTHORITY AND PURPOSE OF THESE RULES -

The Charlotte City Charter, Part I, Chapter 4, Article III, Section 4.61 ("Charter") establishes the Civil Service Board ("Board") consisting of nine (9) members. A copy of the Charter is attached. Pursuant to the Charter, the Board is vested with the authority to establish and set requirements for applicants for hire in the Police and Fire Departments, approve applicants for hire in each Department, and approve or disapprove promotions made by the Chiefs of each Department. The Board is also empowered to hold hearings:

- (a) upon an appeal by an officer or employee of the Police or Fire Department from a suspension without pay, and
- (b) upon a citation by the Chief of the Fire or Police Departments, or the officer in charge in the absence of the Chief, relieving an employee or officer from duty and recommending dismissal from the Department.

These Rules of Procedure are promulgated pursuant to the inherent authority of the Civil Service Board to schedule its meetings and determine its manner of proceeding, subject to the authority of the Charter. Any conflict between these Rules of Procedure and the Charter shall be resolved in favor of the Charter.

-RULES-

1. Selection of Chair and Vice-Chair of the Board.

The Board shall elect, prior to July 30th each year, a Chair and Vice-Chair to serve a one-year term. In the event a Chair or Vice Chair cannot finish a term for any reason, the Board will elect one of its members to finish out the unexpired term. Individuals may be elected to the offices as long as they are eligible to serve on the Board. Individuals serving as Chair must have been a member of the Board for at least a year prior to beginning any term as Chair. The Chair shall preside at all meetings, have the right to vote, and shall decide upon all points of order and procedure, subject to these Rules. The Vice Chair shall serve and perform the duties of the Chair in the absence of the Chair.

2. Documentary and Other Communications with the Board.

Any documents required or allowed to be filed with the Board shall be filed with the Board's Clerk at 600 East Fourth Street, Charlotte, North Carolina. Documents due to the Board may be filed electronically. Documents sent electronically and before 5 p.m. will be deemed filed on that business day. Documents received after 5 p.m. will be deemed received on the following business day. All notices, documents, or papers served by either the Board or a party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. All other communications with the Board shall be made to the Board's Clerk.

3. Meetings.

(a) Regular Meetings

Meetings of the Board shall be held monthly or as the conduct of the official business of the Board requires. Meetings shall be held on the first Tuesday of each month at 4:00pm. The date, time, and place of the Board's regular meetings shall be filed with the City Clerk and posted on the City's website.

(b) Special Meetings

Special meetings of the Board may be called by the Chairperson or at the request of a majority of members. Notice of the time and place of special meetings shall be given at least forty-eight (48) hours prior to the meeting by the Board Clerk or the Chairperson to each member of the Board.

(c) Changes to Meeting Schedule and Cancellation of Meetings

The Board may revise its regular meeting schedule to change the time or place of a particular meeting or all meetings within a specified period. The Board shall ensure that the revised regular meeting schedule is filed with the City Clerk at least seven (7) calendar days before the first meeting held pursuant to the revised schedule. The Board shall also have the revised schedule posted on the City's website. Whenever there are no requests for approval of applicants or promotions, or other business for the Board, or whenever a quorum will not be available, the Chairperson may dispense with a regular meeting by giving written or oral notice to all members prior to the time set for the meeting.

(d) Quorum

Five members of the Board shall constitute a quorum in order to conduct business at regular or special meetings.

(e) Hearings

Hearings to consider a citation for termination require a panel of five Board members. Hearings to consider an appeal of a suspension require three Board members. Hearings to consider a demotion shall be conducted by a panel of five Board members.

Hearings shall be held on the fourth Wednesday of each month. Depending on the complexity of the case, and in the Board's discretion, the Board may schedule an additional day to conduct a particular hearing. As necessary, the Board may schedule hearings on dates other than the fourth Wednesday.

(f) Motions and Voting

An affirmative vote equal to a majority vote of members present shall be required to take any action. Vacant positions on the Board and members who are disqualified from voting for one or more of the reasons listed in Rule 13 below shall not be considered "members of the Board" for calculation of the requisite majority.

(g) Meeting Minutes

The Board shall keep full and accurate minutes of its meetings, including any closed sessions. To be "full and accurate," the minutes must record all actions taken by the Board, as well as the Board's compliance with any applicable procedural requirements. The minutes shall include the final decision of the Board upon each motion, every resolution acted upon by the Board, including the number of votes cast for and against each motion.

4. Appeals.

A Notice of Appeal is sufficient in form if it states in writing that the officer or employee appeals and describes the action appealed sufficiently for its identification. In cases where appealable adverse action is taken against an officer or employee and the penalty imposed is suspended by the Department,

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the officer or employee may appeal within the time allowed from such adverse action. If the suspended penalty is later placed into effect, an appeal may then be taken within the time allowed from the action placing the penalty into effect, but the appealability of the initial adverse action is not thereby revived. Non-appealable adverse action may not be challenged on later appeal even if such later appeal is from punishment based on the earlier, non-appealable determination, since grievance procedures are available for such earlier determination. The appealing officer's or employee's failure to appear at the scheduled appeal hearing without good cause shall constitute an abandonment of the appeal, and the appeal may be dismissed by the Board.

5. Scheduling of Hearings.

The Board strictly enforces the requirement of at least seven days' prior notice of requests for change of hearing date set forth in Section 4.61 (j) of the Charter. Exceptions are granted only for the most compelling reasons. Lack of time for preparation, either by the officer or employee or counsel, is not a compelling reason. Officers or employees desiring to appear before the Board with counsel are advised to retain counsel promptly upon citation or appeal. Hearing date postponements may be granted only by the Chair, or the Vice-Chair in the absence of the Chair; however, the Board's goal is to resolve hearings within six months from the date the appeal or citation is received. Absent exigent circumstances, a postponement of hearing will not be granted except for a crucial cause that could not have been reasonably foreseen. Any delay occasioned by the officer shall not be included in the computation of any back pay to be awarded, absent compelling reason to do otherwise.

6. Subpoenas and Character Witnesses.

Rule 45 of the North Carolina Rules of Civil Procedure will generally govern the issuance and service of subpoenas for Board hearings. Consistent with that Rule, either the Board or an attorney representing a party before the Board may issue subpoenas for the attendance of witnesses. Any request for Board-issued subpoenas for witnesses must be submitted to the Board's Clerk at least 10 full working days prior to the commencement of the hearing at which such witnesses are to appear. Each party is responsible for serving its own subpoenas, and may do so in any manner allowed by Rule 45. A party or the person to whom the subpoena is directed may file a written objection to the subpoena with the Chairperson. Objections must be filed within 3 business days of the person's receipt of the subpoena or one day before the date on which the person objecting is commanded to appear, whichever is sooner, and must be served upon the party on whose behalf the subpoena was issued. The Board hearing panel may: (1) Quash or modify the subpoena if it is unreasonable, or upon finding of other grounds in Rule 45(c), or (2) Condition denial of a motion to quash or modify upon just and reasonable conditions. The decision shall be made by a majority vote of the Board hearing panel. Not more than 5 character witnesses shall be heard for the officer or employee. The Board will accept any number of character affidavits.

7. Statements of the Parties.

No later than fourteen (14) calendar days prior to the scheduled start of the hearing, the opposing parties shall submit to the Clerk of the Board, and the member of the City Attorney's Office designated to represent the Civil Service Board, a typed statement of the case representing their contentions

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concerning the case, including defenses, if any. The statement shall provide a nonargumentative summary of all material facts underlying the matter in controversy which are necessary to understand all issues to be considered by the Board. This statement shall consist of no more than three (3) typewritten single-spaced pages on 8 ½ X 11 inch, plain white paper. Documentary evidence or exhibits shall not be included within, or attached to, the statement. This statement of the case is not to be served on the opposing party; rather it will be distributed to the parties by the Clerk of the Board, within 48 hours of its receipt by the Clerk of the Board. The statement will be distributed to those Civil Service Board members who will serve on the hearing panel for their review prior to the start of the hearing, and no later than three business days prior to the start of the hearing. If a party chooses not to provide this statement, the statement of the opposing party shall be provided to members of the hearing panel without comment. If the statement is not submitted before the fourteen-day deadline prescribed above, the written statement shall not be provided to the Civil Service Board, nor may it be used as a submission to the Board at the hearing. The statement shall not be considered a substitute for the citation of an officer or firefighter to the Board required by Section 4.61 (h) of the City Charter.

8. Pre-Hearing Conference, Marking of Exhibits, and Exchange of Witness Lists.

(a) Pre-Hearing Conference and Marking of Exhibits: No later than 7 calendar days before the scheduled start of the hearing, the opposing parties (through counsel if represented) shall meet and discuss the possibility of entering into stipulations of fact or law governing the hearing, and shall mark, number, and exchange copies of all exhibits expected to be used at the hearing and shall indicate whether their authenticity is questioned. Stipulations shall be presented in writing at the beginning of the hearing for inclusion in the Record. The parties should come to the hearing prepared to provide copies of exhibits to the witness, the Clerk, the Board's Attorney, and each member of the hearing panel. Parties should include an Exhibit list with their exhibits.

(b) Witness Lists: No later than 7 calendar days before the scheduled start of the hearing, the parties (through counsel if represented) are required to exchange witness lists. The parties are required to ensure that the opposing party receives the witness list no later than 7 calendar days prior to the hearing, meaning that the list, if mailed, should be mailed three days in advance of the deadline. Otherwise, hand delivery, facsimile transmission or electronic mail is permitted as a method of serving the list, so long as the party utilizing any of these methods obtains either: a signed receipt; electronic delivery receipt showing delivery; or a facsimile confirmation showing the date and time of transmission. Failure to provide the opposing party with a witness list in accordance with this rule, shall mean that the party failing to exchange the witness list will not be allowed to call any witnesses to testify at the hearing, absent a showing of substantial need, undue hardship, and extreme prejudice. Except for purposes of rebuttal, parties are not permitted to call a witness whose name does not appear on the witness list.

Any expert witnesses are required to be disclosed to the opposing party as soon as practicable, but no later than fourteen days before the scheduled start of the hearing.

9. Conduct of Hearings.

(a) Opening the Hearing. The Chair of the hearing (hereafter "Chair" in this rule) shall open the hearing and introduce the Board, its Clerk, its Counsel, and the Reporter. The Chair will then inquire

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whether the hearing is open or closed and make arrangements accordingly. The Chair will then inquire of all parties whether they have read and understood these Rules and the attached Charter provisions. If so, explanation of these Rules and the attached Charter provision will be waived and a copy submitted to the Reporter for inclusion in the Record. If not, the Chair and/or Board Attorney shall offer an explanation of these Rules and the attached City Charter provisions to the parties. The Chair will then inquire whether there are any stipulations. The Chair will then present the charge for inclusion in the Record and read the factual allegations of the charge to the officer or employee or counsel, and inquire particularly which facts of the charge are admitted, if any. The parties may stipulate that the charge need not be read into the record, and opt for its inclusion into the record without reading.

(b) Function of the Board. The Board is an administrative agency of the City of Charlotte, charged to carry out personnel functions defined by the Charter. It is not a Court, but it does have certain powers traditionally associated with courts, such as the powers to subpoena witnesses, administer oaths, and compel production of evidence. The Board is empowered to resolve disputed questions of fact and apply rules and regulations to its findings of fact, much in the manner of a Court.

(c) Presentation of Evidence. The Chair functions as the presiding authority on all matters of conduct, procedure, and admissibility of evidence. The rules of evidence applied in the North Carolina General Court of Justice are generally applied by the Board. Persons and the Department appearing before the Board are allowed to be represented by counsel, to call witnesses, to present documentary or real evidence, to cross-examine witnesses against them, and to be present during all proceedings except the Board's deliberations. The Board may call the appealing or cited officer as a witness. Technical objections are discouraged. The Rules of Evidence will be applied consistent with the personnel function of the Board. The Chair rules on all objections to evidence, and, if appropriate, raises objections and controls the presentation of evidence on the Chair's own motion, including setting reasonable and equitable time limits on the presentation of evidence. Nevertheless, each Board member is of equal right and power to each other Board member in the conduct of hearings, and the Chair exercises power subject to the consent of the Board. Approval of the rulings and other actions of the Chair is implied in the absence of objection by any Board member.

All hearings will be conducted in an open or closed session as the officer or employee has elected. However, the officer's or employee's entitlement to an open hearing remains subject to state confidentiality laws.

(d) Order of Examination of Witnesses. All witnesses before the Board shall be sworn or shall affirm. The Department has the burden of proof and offers its case first. The Department shall first present evidence showing the jurisdiction of the Board, unless it is stipulated. The usual order of questioning of a witness is: first direct and cross-examination are conducted by the parties, then questions are asked by Board members, then by the Board's Counsel, and then questions are asked by the Chair. Variations in this order of proceeding, and supplemental questions, are freely allowed if pertinent. The parties are encouraged to be direct and brief in their presentations, consistent with full presentation of all pertinent evidence.

(e) Opening and Closing Arguments. The parties will be allowed to make opening arguments and closing arguments before the Board retires to deliberate. The Chair may set time limits on arguments.

(f) Stages of the Hearing. The Board may decide at any time to bifurcate hearings into determinations of the charges and dispositions, or in any other manner, upon motion of a party, or upon the Board's own motion. Unless otherwise ruled, hearings will not be bifurcated, and the parties shall present all pertinent evidence before the Board retires to deliberate.

(g) Motions Practice. Motions to dismiss and other such motions are not required. The Board assumes, unless otherwise advised by a party, that each party makes all appropriate motions for all relief then allowable to such party. To the extent practicable, motions should be submitted in writing and served on the opposing party.

(h) Deliberations. In its deliberations the Board first considers whether the evidence presented, if believed, allows relief to be granted. If so, it finds to what extent facts have been proved. If facts allowing for relief to be granted have been proved, the Board determines what relief shall be granted. The burden of proof by a preponderance of the evidence is on the Department at all stages of the hearing and the Board's deliberations. A Board member must be present during all proceedings prior to deliberations in order to participate in the Board's deliberations. A Board Member must be present during all of the Board's deliberations to be entitled to vote on the case. All decisions during deliberations shall be made by simple majority vote. In the event that no simple majority vote can be obtained on any issue presented, a rehearing of undecided matters shall be set, or the matter dismissed, in the discretion of the Board. No Board member qualified to vote on an issue presented shall abstain there from. Decisions of the Board shall be made in writing, with Findings of Fact and Conclusions of Law.

10. Transcripts of Hearings.

The Board will provide a verbatim reporter at all hearings. Any transcript of such hearing shall be the responsibility of the party desiring it, and the Board is not obligated to pay for any transcript or transcript copy unless necessary for its own purposes.

11. Appeal from Action of Board.

Appeal from any order of the Board shall be made to the Superior Court of Mecklenburg County by giving notice of appeal in writing, in the form of a petition for writ of certiorari, to the Superior Court within 10 days after the entry of the order. For purposes of an appeal to Superior Court, entry of the Board's order shall be complete when the order is signed by the Chair, filed with the Board Clerk, and served upon the appealing party. If service is by mail, three days shall be added to the time to appeal. Appeals to Superior Court shall be guided by the procedures set forth in N.C.G.S. § 160D-1402 for judicial review of quasi-judicial decisions. In addition, assignments of error must be filed with the court and served upon the Board within 30 days after the entry of the order. The appeal to the Superior Court will be upon the record of the proceedings before the Board at its hearing.

12. Notice of Rules.

The Clerk shall send a copy of these Rules of Procedure to each officer or employee who is cited to the Board or who appeals to the Board, or counsel for such party if known, promptly upon receipt of notice of appeal or citation. Failure to so send these Rules, or failure of such officer or employee or counsel to receive them, shall not relieve such officer or employee or counsel of notice of these Rules and their applicability.

13. Rules of Conduct for Members.

(a) All new and returning Board members shall take an oath of office before performing any duties of their office.

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(b) All Board members shall thoroughly familiarize themselves with the City Charter, Part I, Chapter 4, Article III, Section 4.61 and these Rules.

(c) New Board members must complete a new member orientation before participating in and voting at any hearing.

(d) The Board is subject to the November 23, 2015 Resolution of the Charlotte City Council Amending The Code of Ethics for Members of Boards, Committees and Commissions of the City of Charlotte.

(e) Faithful attendance at all Board meetings is required and conscientious performance of the duties required of Board members shall be considered a prerequisite of continuing membership on the Board. Any member who fails to meet the attendance requirements specified by City Council policy shall be automatically removed from the Board. Vacancies resulting from the removal of a member shall be filled by the same method as providing for initial appointments.

(f) City Council's Code of Ethics for Members of Boards, Committees, and Commissions requires that "Board members should be willing to bear their fair share of the body's workload. To the extent appropriate, they should be willing to put the City's interests ahead of their own." To that end, it is critical for Board members to attend and participate in hearings in order to hear citations for termination and appeals of suspensions of officers and employees subject to the Board's jurisdiction. In order to avoid the need to cancel or postpone hearings due to an insufficient number of panel members, the Board hereby adopts the following attendance policy for hearings: Board members are expected to sign-up for at least one hearing per quarter.

(g) Board members shall not disclose any confidential information received as a member of the Board. Any such breach of confidential information shall be reported to the appointing body and may then be the basis for a member's removal from the Board.

(h) Conflicts of Interest – No member of the Board shall vote on or participate in the consideration of any matter in which the member has a conflict of interest. This includes any matter in which the member has a close familial, financial, business, or other associational relationship with an affected person that may color the member's judgment, or in which the member has a personal or financial interest in the outcome of the matter, including any decision which may result in a direct or indirect benefit to the member, their relatives, or their business interest.

In applying this rule, the following procedures shall govern:

(1) A member who determines the existence of a conflict of interest shall declare the existence and nature of the conflict prior to consideration of the matter and shall refrain from any deliberation on the matter.

(2) A member who believes there may exist a conflict of interest shall declare the possible conflict and ask for a determination by the Board. A majority vote of the Board shall determine whether or not a conflict of interest exists. The member who may have the conflict of interest shall be excused from voting on the question.

(3) Any interested party or member of the Board may challenge the existence of a conflict of interest, whether disclosed or undisclosed, and shall state the reason for the challenge. The Board shall consider the challenge and shall determine by majority vote whether a conflict of interest exists. The member who allegedly has a conflict of interest shall be excused from voting on the question.

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(4) Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of considerations because of the business or profession with which a member is associated.

(i) When considering a decision in a disciplinary hearing, the Board is acting in a quasi-judicial capacity. Due process requires that a quasi-judicial decision be made by unbiased decision-makers on evidence appearing in the record. To this end:

(1) No member of the Board shall discuss any case with any party prior to the hearing on that case. A Board member shall not participate in or vote on any matter in which the Board member has had undisclosed *ex parte* communications prior to the hearing on the case.

(2) No member of the Board shall form or express individual opinions on the proper judgment of any case prior to the consideration of the case at a Board hearing. A Board member shall not participate in or vote on any matter in which the Board member has a fixed opinion, which is not susceptible to change, prior to hearing the matter.

(3) If there are facts within the special knowledge of a member of the Board, they may be properly considered. However, they must be revealed at the hearing and made a part of the record so that the parties will have an opportunity to challenge them by evidence or argument and the Board may judge their competency and materiality.

14. Construction of Rules.

These Rules shall be construed to promote the just, speedy, and inexpensive determination of matters heard by the Board.

15. Amendments.

These Rules may, within the limits allowed by law, be amended at any time by an affirmative vote of a majority of members of the Board present, provided that such amendment be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

16. Former Rules of Procedure Rescinded.

The Rules of Procedure promulgated October 6, 2015 and all other rules of procedure inconsistent herewith, are hereby rescinded. The Conflict Of Interest Policy, adopted by City Council on January 24, 1983, is not repealed by these Rules of Procedure.

Done by the Civil Service Board of the City of Charlotte, North Carolina, at Charlotte, North Carolina, on this the 7th day of December, 2021, effective January 1, 2022.



Ryan McGill
Chair, Civil Service Board

[1] *Editor's Note: This ordinance superseded former Ch. A180, Town Council Rules of Procedure, adopted 1-7-1980, as last amended 2-19-2008.*

§ A180-1 Organization meeting.

Each newly elected Council shall meet for organization in the Town Hall at a time to be announced on the first Monday following the November Election in each odd-numbered year. The meeting shall be called to order by the Town Clerk, who shall administer the oath of office to all members, provided that in the absence of the Town Clerk, the meeting may be called to order and the oath administered by any citizen of Wethersfield authorized by law to administer oaths. The Council shall then proceed to the election of a Chairperson and Vice Chairperson to serve for the ensuing two years, who may also be known respectively as the "Mayor" and the "Deputy Mayor" (Charter, Sec. 304).

§ A180-2 Regular meeting.

[Amended 7-16-2018; 3-7-2022]

The Regular Town Council Meeting will be held the first and third Monday of each Month at 7:00 p.m. in the Town Council Chambers unless otherwise determined by the Council. If a meeting is adjourned to a date, time, and place certain, a notice of the same shall be conspicuously posted near the door of the meeting place, stating the date, time and place of the adjourned meeting or instructions for joining any adjournment to a regular meeting held solely by means of electronic equipment. The schedule of regular meetings for the ensuing year shall be filed in the Town Clerk's office as soon as possible after the organizational meeting.

§ A180-3 Special meeting.

[Amended 3-7-2022]

Special meetings of the Council may be called by the Chairperson or by not fewer than three members of the Council. If called by three members, each shall advise the Town Clerk, in writing, including electronic mail, by telephone, or in person, to that effect.

- A. Notice of a special meeting shall be prepared by the Town Clerk, and a copy shall be served electronically and by mail upon each member of the Council and the Town Manager or Acting Town Manager or left at their usual places of abode not less than 24 hours before the time of the meeting. The notice shall state the time and place of the meeting or contain instructions for joining a special meeting to be held solely by means of electronic equipment and the purpose for which the meeting is called. A copy of said notice shall also be posted on the Town Clerk's board at least 24 hours prior to the meeting.
- B. At a special meeting, no matter not included in the notice shall be considered.

§ A180-4 Public meetings and hearings.

- A. No ordinance or resolution shall be adopted or appointment or removal made except in a meeting of the Council open to the public (Charter, Sec. 305).
- B. At least one public hearing, not less than five days' notice of which shall be given by publication in a newspaper having general circulation in the Town and by posting on the Town Clerk's board, shall be held by the Council before any ordinance or resolution shall be acted upon (Charter, Sec. 308).
- C. Budget hearing. There shall be a public hearing at 7:00 p.m. on the third Monday in April at a place to be determined by the Council, at least five days' notice of which shall be given by publication in at least one newspaper which has a general circulation in the Town and by posting on the Town Clerk's board. At such hearing, any citizen or property owner who desires it shall be entitled to be heard by the Council on the Town and school budgets, and the hearing shall be recessed from day to day until all such persons have been heard (Charter, Sec. 705), provided that a notice of recess shall be conspicuously posted on the door of the meeting place, stating the date, time and place of the recessed meeting; provided, further, that any person who desires to speak at the subject budget hearings shall initially be heard for no longer than 10 minutes. After all persons who desire to speak have spoken at any one budget hearing, those persons wishing to speak for a second time shall be allowed to do so but shall not exceed 10 minutes. After all persons have had a second opportunity to speak, any person may thereafter speak.

D. Public comment.

[Amended 7-16-2018; 3-7-2022]

- (1) Public comment sections at Regular Meetings are allowed during each meeting for individual citizens' comments. During the public comment, citizens may speak pertaining to any item on the agenda or of concern to the Town.
- (2) (Reserved)
- (3) Each speaker shall limit his/her remarks to five minutes and shall be heard only once at the beginning of the meeting and once at the end of the meeting. This time restriction may be enforced by a timing device. If a speaker exceeds the time limitation, the Chair shall so notify the speaker and allow the speaker 30 seconds for summation. The Chair, at his/her discretion, may grant the speaker additional time. If a large number of citizens wish to speak, in the discretion of the Chair, the time limit may be reduced to three minutes to accommodate the crowd, and still allow the Council to conduct its business.

E. If the Council needs to make a decision or needs additional information, the Council should direct the Manager to get the facts, information and/or recommendations it needs to make an informed decision in the interest of all Town citizens. Citizens are encouraged to submit questions/concerns in writing.

F. Adjournment time: The Council establishes an adjournment time of regular meetings of 11:00 p.m. If the adjournment time requires an extension, it can be done via motion and a majority vote.

G. Town Council members shall be able to participate in Council meetings by telephone or electronic means; however, every effort should be made by members to be at all meetings in person, and the use of telephones or electronic means should only be used on when necessary. If a Councilor wishes to participate electronically in a meeting noticed as a nonvirtual meeting, the Councilor must notify the Town Manager or his/her designee in writing or email no less than eight hours prior to the scheduled time as indicated in the noticed meeting. When the Town Manager or his/her designee is notified of such request, he/she shall send to the requesting Councilor a link by which they may participate via video conference or other similar method. If a Councilor fails to notify the Town Manager or his/her designee in the time and manner prescribed, then he or she will not be permitted to participate in the meeting remotely. For Town Council meetings noticed as a virtual meeting, there shall be no notification requirements for any Councilor as described in this section.

[Amended 3-7-2022]

- (1) A member participating virtually shall be considered a person present at the meeting when determining a quorum under § A180-5. A councilor may speak and vote electronically in the same method and by the same procedure as they would as if they were there in person. It is the virtually participating Councilor's responsibility to have a strong primary connection and a secondary connection to the Town Manager or his/her designee (cell phone, land line, etc.) in case of disruption. If at the time of a vote of the Council a member participating virtually is disconnected or loses audio connection to the meeting, the Chair shall afford that member three minutes to reconnect or use the secondary connection into the meeting before concluding the vote on the pending question before the Council. The meeting will be held in a room open and accessible to members of the public, using teleconferencing equipment that enables everyone in the room to hear. Any printed materials, reports, graphs, etc., utilized by the person phoning in must be available in the meeting room.

- (2) These rules do not amend any Charter requirement regarding the number of affirmative votes required to pass certain measures.

§ A180-5 Quorum.

The presence of five members shall constitute a quorum, but no ordinance, resolution or vote, except a vote to adjourn or to fix the time and place of the next meeting of the Council, shall be adopted by fewer than five affirmative votes (Charter, Sec. 305).

§ A180-6 Executive sessions.

"Executive sessions" means a meeting of a public agency at which the public is excluded for one or more of the following purposes:

- A.** Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting;
- B.** Strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally

adjudicated or otherwise settled;

- C. Matters concerning security strategy or the deployment of security personnel, or devices affecting public security;
- D. Discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and
- E. Discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210.^[1]

[1] *Editor's Note: Refers to the FOIL statute: see C.G.S. § 1-210(b).*

§ A180-7 Chairperson.

- A. The Chairperson or, absent a Chairperson, the Vice Chairperson shall preside at all meetings. The Chairperson shall preserve order and decorum and shall decide all questions of order without debate, except at said Chairperson's request, but subject to appeal to the Council. The Chairperson may speak and shall vote on all questions as is provided in § A180-14 of these rules. The Chairperson shall be an ex officio member of all committees without the right to vote, except that the Chairperson shall have the right to vote in those committees to which the Chairperson is appointed a member.
- B. In the absence of both the Chairperson and the Vice Chairperson, the Town Clerk may call the meeting to order, and the Council may choose from its members a Chairperson Pro Tem who shall preside until the Chairperson or Vice Chairperson appears.
- C. The Chairperson or, absent a Chairperson, the Vice Chairperson shall represent the Town as titular head of the government at meetings of such officials representing other municipalities, ceremonies and public gatherings and upon such other occasions as said presence in such capacity may be required.

§ A180-8 Town Clerk.

The Town Clerk shall be the Clerk of the Council, keep a journal of its proceedings which shall be a public record and perform such other duties as may be assigned by the Charter or by action of the Council or state statute (Charter, Sec. 501).

§ A180-9 Town Manager.

The Town Manager shall attend all meetings of the Council with the right to speak but not to vote and shall perform such other duties as may be assigned by law or by the ordinances or resolutions of the Council (Charter, Sec. 403).

§ A180-10 Committees.

The Council may, from time to time, appoint such standing and special committees in the manner and for such purposes as the Council may designate.

§ A180-11 Order of business.

[Amended 7-16-2018; 3-7-2022]

- A. Regular Meetings.
 - (1) Pledge of Allegiance.
 - (2) Recording of attendance by the Town Clerk.
 - (3) Presentations.
 - (4) Additions/deletions and approval of the regular agenda.

[Added 10-17-2022^[1]

[1] *Editor's Note: This ordinance also redesignated former Subsections A(4) through A(14) as Subsections A(5) through A(15), respectively.*

- (5) Public hearings on ordinances and resolutions.
- (6) Public comments.
 - (a) Public.
 - (b) Council reports (report on Boards and Commissions).
 - (c) Council comments (comments on any topic and/or to pull items from consent agenda).
[Amended 10-17-2022]
 - (d) Town Manager's report.
 - (e) Town Clerk communications.
- (7) Council action.
 - (a) Bids.
[Added 10-17-2022]
 - (b) Consent agenda.
[Added 10-17-2022^[2]]
[2] *Editor's Note: This ordinance also redesignated former Subsections A(7)(a) through A(7)(c) as Subsections A(7)(c) through A(7)(e), respectively.*
 - (c) Acceptance of resignations from boards and commissions.
 - (d) Appointments to boards and commissions.
 - (e) Approval of ordinances and resolutions.
- (8) Unfinished business.
- (9) ^[3]New business.
[Amended 10-17-2022]
 - (a) Ordinances and resolutions for introduction.
[3] *Editor's Note: Former Subsections A(9) and (10), bids and other business, respectively, were repealed 10-17-2022. This ordinance also renumbered former Subsections A(11) through A(15) as Subsections A(9) through A(13), respectively.*
- (10) Minutes.
- (11) Public comments.
- (12) Executive Session (if required). (Provide reason and attendees)
- (13) Adjourn.

§ A180-12 Privilege of the floor.

- A. Except when a member of the Council has or desires the floor, the Town Manager shall have the privilege of the floor for the purpose of giving information to the Council on business and affairs of the Town, and the Town Attorney shall likewise have the privilege of the floor on the introduction or interpretation of any existing or proposed ordinance or resolution or on any question of legal procedure.
- B. Except at a public hearing or as otherwise provided in these rules, no person other than a member of the Council shall address the Council except by the majority consent of not fewer than five of the members of Council present.

§ A180-13 Motions.

- A. When a motion is made and seconded, it shall be stated by the Chairperson and then be in possession of the Council and subject to amendment or withdrawal, except that withdrawal cannot be made subsequent to a voted amendment without the consent of the Council.

- B. When a motion is under debate, no further motion shall be received except to adjourn, to recess, to table, for the previous question, to limit or extend debate, to postpone to time certain, to refer to committee, to amend or to postpone indefinitely, which motions shall have precedence in the order indicated.
- C. Motions to table, to postpone to time certain or to postpone indefinitely, once having been decided, shall not be reconsidered at the same meeting, whereas a motion to refer a matter to a committee can be reconsidered only at the meeting of the vote. Any other motion can be reconsidered only at the same or the next succeeding meeting of the Council.
- D. Any motion to reconsider shall be in order only upon motion by a member participating in the prevailing vote of the original motion, and there shall be no reconsideration of the vote upon motion to adjourn, for the previous question, or to reconsider.

§ A180-14 Voting.

The ayes and nays on each vote shall be recorded in the journal (Charter, Sec. 305), thereby recording the vote of each Council member or abstention.

§ A180-15 Introduction of ordinances and resolutions.

- A. All ordinances and resolutions shall be introduced in written form (Charter, Section 307).
- B. For purposes of this section, introduction shall mean the presentation in written form at any regular or special meeting of Council, either by a member of Council or by the Town Clerk, who shall present those ordinances and resolutions filed with the Town Clerk's office by a member of Council at any time prior to the meeting. Upon introduction, all ordinances and resolutions shall automatically be set for public hearing at the next regular or special meeting of Council, subject to the notice requirements being met (Charter, Sec. 307). The terms of this section shall not apply to emergency ordinances.
- C. It shall be the duty of the Town Clerk immediately upon the introduction of any ordinance or resolution to prepare at least 15 copies of such proposed ordinance or resolution. One copy shall be retained in the Town Clerk's office for public inspection and one copy posted on the Town signpost (Charter, Sec. 307). The Town Clerk shall also promptly furnish each member of the Council, the Town Manager and the Town Attorney with a copy of such ordinance or resolution.
- D. The copy of the proposed ordinance or resolution retained in the office of the Town Clerk shall have endorsed thereon the name or names of the member or committee introducing such document or filing the same with the Town Clerk or have attached thereto the electors' petition, as required under the Charter, Section 312, and at the end thereof, under the caption "Statement of Purpose," shall contain a brief statement of its purpose, which statement shall not be a part of the ordinance or resolution. Where such document is introduced by electors' petition, such copy shall be further endorsed by the Town Clerk, certifying that the requirements of the Charter, Section 312, have been satisfied. The statement of purpose and such endorsements shall be included on all copies of the document to be prepared by the Town Clerk prior to the final action taken on such document.
- E. Before any ordinance shall be acted upon, it shall be reviewed by and such corrections as may be necessarily made therein by the Town Attorney to ensure accuracy, clearness, conciseness and consistency of text and phraseology as well as its constitutionality and consistency with existing ordinances or statutes, and the copy of the ordinance upon which final action is based shall bear the Town Attorney's endorsement that such review has been made.

[Amended 3-7-2022]

§ A180-16 Passage of ordinances and resolutions.

- A. Notice of the passage of an ordinance or resolution shall be published once in a newspaper having general circulation in the Town, and an ordinance or resolution shall not become effective until 10 days after such notice is published. An ordinance or resolution need not be published in full but may be described by title or subject matter. The foregoing provisions of this section shall not apply to emergency ordinances (Charter, Sec. 308).
- B. All ordinances and resolutions, when passed, shall be endorsed by the Town Clerk indicating the date and method of its adoption, then recorded in a book kept for that purpose and the original copy filed as a permanent record (Charter, Sec. 308, modified).

§ A180-17 Emergency ordinances.

An emergency ordinance shall be only for the immediate preservation of the public peace, health and safety, shall contain an explicit statement of the nature of the emergency and shall be adopted by not fewer than six affirmative votes in the Council, and in no event shall the annual budget or any appropriation, except as hereinafter provided, constitute an emergency ordinance. For the purpose of meeting an emergency, as herein defined, or to prevent the breakdown of any essential service rendered by a department, board, commission or agency of the Town, the Council, by an affirmative vote of not less than six of its members, may appropriate, notwithstanding any other provision of the Charter, a sum not to exceed \$100,000. (Charter, Sec. 310).

§ A180-18 Parliamentary and Charter authority.

The Council will conduct its meeting according to Robert's Rules of Order. These rules may be revised as necessary, except that should any of these rules be inconsistent with the provisions of the Charter, then the Charter shall prevail.

§ A180-19 Suspension or amendment of rules.

- A.** Any of these rules may be suspended by the affirmative vote of not fewer than five members of the Council, provided that such action is not inconsistent with any provisions of the Charter.
- B.** Any amendment to these rules shall be submitted, in writing, at any meeting of the Council and may be adopted by the affirmative vote of not fewer than five members at a subsequent meeting of the Council.

COUNCIL PROCEDURES MANUAL

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The business of a Council meeting is controlled by the agenda prepared as hereinafter set forth. The agenda per se is not normally adopted by the Council. However, approval of the agenda at the opening of each meeting will help the Mayor and council set expectations for the meeting. Items may be taken out of order upon motion and two-thirds vote, or by unanimous consent. Any business on the agenda may be considered by the Council, and if all members are present any business not on the agenda may be considered if there is no objection.

1. **Preparation of the Agenda.** The Town Manager, in consultation with the Mayor, prepares the agenda.

2. **Request for Agenda Items.** Items may be placed on the agenda by the following methods:

- 1. Request of the Mayor.
- 2. Request of a Council member:
 - 1. At the petition time at the beginning of a meeting. (Such practice is usually limited to items for discussion only, or items of a non-controversial nature, which arise after the preparation of the agenda, or as an oversight. The Council discourages the use of this method for items requiring documentation and study, unless delivered in advance, or items of a controversial nature since public notice thereof has not been given in advance); or
 - 2. At the end of the agenda at the preceding regular meeting;
 - 3. At any time between meetings by request to the Manager.
- 3. Request of the Manager.
- 4. Request of the Town Attorney.

3. **Items on the Agenda.** No item shall be placed on the agenda until all necessary relevant reports, supporting data, and memoranda are available for distribution with the packet and the

agenda.

4. **Adding Items to the Agenda.** No item may be added to the Council's agenda during a meeting without the unanimous consent of all members present at the meeting.

5. **Order of the Agenda.** The agenda shall be set in the following order:

1. Ceremonies.
2. Public hearings or public forums, if any.
3. Oral and written petitions from citizens.
4. Council announcements - this would also be the time for a Council member(s) pull a consent item for a "thank you" or acknowledgement.
5. Consent Agenda - items of a routine nature will be placed on the Consent Agenda to be voted on in a block. The Mayor and the Manager will decide which items will be placed on the Consent Agenda. Consideration of Council meeting minutes shall normally be the last item on the Consent Agenda. If Council member(s) want to vote "no" on a specific consent agenda item, the item will be pulled for a separate vote. To further discuss an item, the item will be moved to another meeting.
6. Information reports that do not require action.
7. Old business items deferred or continued from previous meetings - staff will highlight the current issues.
8. Items having wide public concern or likely to result in the attendance of citizens interested in them.
9. Matters of less public interest.
10. Appointments.
11. Council Petitions.
12. Manager/Attorney petitions.
13. Closed Session, if needed.

6. **Removal of Items from the Agenda.** The Council may remove items from the agenda on the regular agenda or the Consent Agenda:

1. Removal of an item not on the Consent Agenda may be requested by Council member(s) during the petition time.

If a Council member desires to have an item removed from the agenda of a meeting at which the Council member will not be present, a written request shall be distributed to the Council by the Friday prior to the meeting. At the meeting, the Mayor shall present the written request to the Council for a vote.

Five affirmative votes shall be necessary to remove an item from the agenda. Items removed, unless noted otherwise, will be placed on the agenda of the next similarly scheduled (regular or public hearing) meeting of the Council.

2. Removal of Consent Agenda Items.

Any item may be removed from the Consent Agenda by the request of the Mayor or any member of the Council at the time during the Council meeting that the Consent Agenda is considered. To further discuss the item, it will be moved to another meeting.

A Council member who wishes to remove an item from the Consent Agenda should so inform the Manager no later than 3:00 p.m. on the day of the Council meeting so that the Manager

C. Meeting Procedures



1. **Presiding Officer.** Under the Charter, the Mayor is the presiding officer, and in the absence of the Mayor, the Mayor pro tempore. Neither General Law nor the Charter provide for a presiding officer in the absence of both the Mayor and the Mayor pro tempore. Parliamentary usage would permit the Council to select a Chair Pro Tempore from the quorum of members present for this purpose.
2. **Quorum.** Five members of the Council are necessary for a quorum. The Mayor is counted in determining whether a quorum is present. Each Council member is asked to notify the Mayor if he or she will be absent.
3. **Staff Presentation.** Prior to discussion of each item on the agenda, the presiding officer may call upon the Town Manager or such other appropriate person for the purpose of background presentation of the business to be discussed.
4. **Discussion.** Parliamentary procedure (see Section I.C.10 - Parliamentary Procedure) requires that a motion be on the floor prior to discussion. However, the practice of the Council, in some instances, has been to discuss an item on the agenda prior to a motion's being made. Persons other than the Mayor and Council members may enter into discussion on a matter only by ruling of the Chair. As with all rulings by the Chair, this decision may be overridden by a majority of the Council. The Mayor will check in with the Council at the 30-minute point in a discussion. The Mayor will inform Council when the discussion becomes circular and will subsequently summarize sentiments; the Mayor will ask Council to provide questions for staff to specifically address (Mayor makes decision to determine remaining questions). If no action is resolved, then the item will be continued to another meeting. During Council discussion, members are to be mindful of waiting to speak again until everyone has spoken, unless it's a productive dialogue between members.
5. **Order of Discussion.** Parliamentary practices indicate that all members desiring to discuss a matter under consideration should be given an opportunity to do so prior to any member's being able to discuss the item more than once. The Council practice has not adhered strictly to this

procedure.

6. Public Participation. Citizens who wish to speak on matters on the agenda may sign up with the Town Clerk at the beginning of the meeting and will be recognized when the Council reaches that item on the agenda. Individuals signed up to speak get a maximum of three (3) minutes. If 15 or more people are signed up for the item, the amount of time can be reduced (two (2) minutes per person). Presentations by groups are limited to 15 minutes for eight or more individuals (who must all be in attendance) with advance coordination with the Mayor's Office, and proportionately less time for smaller groups.

7. Petitions to the Council. Written petitions are encouraged and comments are to be received on those topics at a future meeting, thus providing the public with a notice of when the item will return. Only one speaker shall be permitted on each petition, and petitions are limited to 15 minutes per meeting. The Council hears petitions, either written or oral, at the beginning of each regular meeting. By resolution, the Council has agreed that:

1. Citizens may petition the Council regarding matters germane to Town policies or business but not appearing on the agenda at petition time. Citizens desiring to present such petitions are strongly encouraged to contact the Mayor's or Town Manager's office by the Monday before a Monday night meeting to indicate their desire to petition the Council and so that the agenda distributed to Council members will reflect their petition under the "petition" heading of the agenda.

Generally, petitions will be limited to three minutes per speaker and only one petition per topic. Comments on the petition are to be received at a future meeting. The Council may, by a two-thirds vote of those present, extend the time for petitions on any subject.

The Council strongly discourages petitions regarding a matter which recently has been, or which soon will be, before the Council as a public hearing item. Petition time is not intended to substitute for public hearings.

2. Petitions shall not be acted upon at the time they are presented. After hearing a petition, the Council shall, by simple motion, receive it and dispose of it as follows (receiving does not imply approval, agreement, or consent):
 1. Consideration at a future regular meeting of the Council; or
 2. Referral to another board or committee for study and report; or
 3. Referral to the Town Manager for investigation and report.
3. It shall take a unanimous vote of the Council members present for a petition to be acted upon immediately upon its presentation. Unless all members of Council are present, only petitions which have been distributed with the Agenda materials in advance may be considered for action upon their presentation.

4. Any Council Member can bring an idea or topic to the Council for consideration. There are different ways for a Council Member to do this, depending on the type of outcome or action they are seeking.

- Submit a **Council Petition** to formally request that the Council or the Manager consider taking an action such as adopting a policy, amending an ordinance, allocating resources (including significant staff time and/or funds), or changing a practice. (A Council Petition has similarities to a Community Member Petition, though it is subject to a distinct process as outlined in this document.)
- Draft a **Resolution or Proclamation** for the Council to consider adopting a formal statement about an issue of local, regional, national, or international importance.

The following steps will ensure that Council requests are handled in a timely and transparent manner.

Please note that a majority of Council members (5 or more) working on a petition or other request could constitute a public meeting, even if done electronically. Council members should consult with the Town Attorney if they have any questions about how to properly collaborate outside of a scheduled meeting.

Council Petition Process

How a Council Member can submit a petition

First, the Council member should secure the support of at least two additional Council members to bring forth the petition.

Second, the petitioner(s) should write out a simple summary of the request they are making or the idea they want explored, which includes the problem they wish to solve or interest they wish to address.

For example,

“In order to improve wayfinding in our area, I petition the Council to formally support painting all the roads that lead to Oz yellow and to send the resolution to our regional and state transportation partners for their consideration.” OR

“To ensure the safety of our community, I petition the Council to discuss and consider banning exotic pets, such as lions, tigers, bears, and flying monkeys, within the city limits.”

The Council members bringing forth the petition may also request a response within a specific time frame or by a date certain. This request, along with the reason for indicating a date certain, should be included in the petition.

The petitioners should share the petition with the Mayor and Manager in advance of the meeting in which they mean to bring it forth (ideally at least a week before) to allow time for clarifying questions or requests. While the Mayor and Manager serve as advisors regarding Council petitions, petitioners can bring a petition forward at a business or public hearing meeting of their choosing.

The petition and any supporting information will be shared with the full Council in the Council packet so that everyone has an opportunity to review the final document and ask questions in advance.

During the Council meeting

1. The Mayor will announce the petition and ask the petitioners to provide a brief explanation to Council and the public.
2. The Mayor will ask for a motion to receive and refer the petition.
3. If the Council petitioners have requested a response within a certain time frame or by a date certain, then that request must also be voted on and supported by a majority of the Council.
4. If the motion is seconded, the Council will then vote. If the motion passes, the petition will be referred to the Mayor and Manager for follow-up. One of the petitioning Council members will volunteer to act as the petition's sponsor and serve as a point of contact for the Mayor and Manager.

After the Council vote

Once the petition has been received and referred, the Mayor, the Manager, and the petition sponsor will discuss what additional information is needed for the Council to make an informed decision on how to proceed and to propose a process and timeline that align with the petitioners' interests. This information might include:

- A legal determination on whether the idea is allowed under current local, state, or federal laws.
- Guidance on how the request relates to current Town policies and practices.
- Estimates on financial resources or time needed to fully explore the idea. If the time required differs from the petition's requested timeline, an explanation for this difference should be provided.
- Impact and relevance to ongoing projects and initiatives.

At this point, the petition will be assigned to one or more groups for follow-up. This may include Town departments, a Council working group, a Town Advisory Board, or others with specific expertise.

The Manager's Office will regularly monitor progress on the status of the petition.

How the Council is updated on petition status

1. The Manager's Office will notify Council that the petition has been reviewed and provide information on which group has been assigned to follow up on the petition, ideally within two weeks of its submission. Petitions that have been submitted with a majority of the Council requesting a particular response time or date certain will be handled as requested when possible. Additional information may be provided at that time, if available.
2. Once work has begun, the Manager's Office will update the petition sponsor periodically on progress being made and reach out to them and the Mayor should questions arise.
3. The Manager's Office will maintain an updated Council Petition Status database that is accessible online.
4. The Council will receive written updates in its Council packet, via a "Status of Council Petitions" report or other informational item.
5. The Mayor, Manager, and petition sponsor will work together to determine the best way to bring analysis and any recommendations back to the Council for discussion and further guidance at various points throughout the process.

When is a petition process complete?

Some petition requests are straightforward, and their "completion" can be measured and agreed upon: for example, requests for certain data analysis or a request to provide information about how other municipalities are dealing with an issue of interest. In these instances, the petitions will be "closed out" and removed from Council updates once the information has been provided to the Council and made available to the public.

Other petition requests are more nuanced; for example, they may be asking the Town to change a scope of work on an existing project; or to make long-term changes to an approach or policy or the application of existing criteria, or to incorporate new ideas into current work methodologies. In these instances, "completion" may only be demonstrated long after the request.

In these instances, other methods are currently being researched to assure that the Council receives updates on the request and has assurances that the petition remains active and is being handled consistent with Council interests. Further information on the tracking process is forthcoming.

Resolution/Proclamation Process

How a Council Member can request a resolution or proclamation

This process should be used for time-sensitive proclamations, including those supporting upcoming observations such as Black History Month or honoring members of the community.

Additionally, the process should be used for resolution requests that comment on events with broader implications at a state, national, or international level, or for requests that involve joining with other governmental entities to amplify a message on behalf of Town residents.

1. Notify the Mayor about your request with as much advance notice as possible. Advance notice allows the Mayor to determine if other input is needed prior to proceeding, or if the request is better handled in an alternate manner, such as a petition or a Mayor's Salute.
2. The Mayor may refer this request to a subgroup of the Council to draft a resolution for consideration. This task group should consider the original intent of the request as well as the broader interests of the full Council when developing the draft.
3. A draft is provided to the Mayor (either by the original requester or the work group), who will share it with the rest of Council in advance of the Council meeting.
4. The Mayor will identify an appropriate meeting for the resolution or proclamation to come forward and will notify the Town Manager and Town Clerk.

Proclamations and resolutions will be brought up at the start of the Council meeting, prior to the Public Comment/Petition period. Proclamations will be read at that time.

Resolutions will be presented and explained by a Council Member or the Mayor. Council will then vote on whether to adopt the resolution.

(2022-04-06/R-3)

8. **Time Limits.** Exclusive of matters to be discussed in Closed Session, the Council will not begin discussion of an agenda item after 10:30 p.m. without the affirmative vote of two-thirds of those members present.

9. Closed Session Procedures

1. **Permitted Topics for Discussion.** The Open Meetings Law allows the discussion of limited topics during a Closed Session. The matters which appear most likely to concern the Town are as follows:
 1. To consult with the Town's attorney in order to preserve the attorney-client privilege between the attorney and the public body. The Council may consider and give instructions to the attorney concerning the handling or settlement of a claim, judicial action or administrative procedure in Closed Session.
 2. To instruct the Town staff concerning the position to be taken on behalf of the Town in negotiating the price and other material terms of a contract for acquisition of an interest in real property.
 3. To consider the performance, qualifications or fitness of an employee or applicant for Town employment or office under the Council's jurisdiction. This provision does not allow consideration of fitness or performance of a member or prospective member of the Council or another public body to be considered in Closed Session.
2. **Attendance.** The Mayor and members of the Council and only those persons necessary for a discussion should be permitted to be present. Permitting unnecessary persons to be in attendance could lead to serious problems as to whether or not they were present as members of the public while other members of the public were excluded.
3. No final action may be taken in Closed Session, except in a very few cases as provided by North Carolina Law. Minutes shall be kept of all Closed Sessions. Such minutes may be withheld from public inspection so long as public inspection would frustrate the purpose of a Closed Session. Where final actions in Closed Session is authorized, minutes indicating what action was taken would be required to be made public at a later date as provided by the Open Meetings Law.

Some of the decisions which can be made in closed session include:

1. decisions pertaining to the initiation defense or settlement of litigation, and
 2. decisions pertaining to the price to be paid to acquire real property.
4. **Calling a Closed Session.** The Council may hold a Closed Session only upon a motion duly made and adopted at an open meeting. The motion shall cite one or more of the purposes permitted by the Open Meetings Law and shall otherwise conform to the requirements of the Open Meetings Law. Generally, the Town Attorney will be expected to prepare specific language for the Council to use in a motion to go into closed session.
 5. **Disclosure to the Public.** The reason for permitting Closed Sessions at all indicates that the details of the subject matter should not be revealed, otherwise the purpose of the session is defeated. It is the Council's policy that any Council member present at a Closed Session may disclose whatever that Council member thinks or says about the matter, but not to disclose statements made by another person in expressing his or her opinion.

10. **Parliamentary Procedure.** The Code of Ordinances of the Town of Chapel Hill states the following: “Parliamentary usages shall be the rules of government in the deliberations of the Council.” (See Section 2?6 - Parliamentary Procedure to Control Council Meetings.)

The suggested parliamentary procedures set forth below are adopted as guidelines for the Council. Their purposes are to assist the Council in considering and acting upon business before it, assure a fair opportunity to all members to present their views, and insure an accurate recording of the Council’s actions. It is to be noted that the Code does not require that Robert’s Rules of Order be the guide in all deliberations of the Council. This is intentional in order to afford the Council the flexibility of acting in an accepted parliamentary manner without being limited to certain strict technical requirements which Robert’s would impose. For example, when a motion is made and seconded, and stated by the chair, under Robert’s this becomes the property of the Council and can be withdrawn only with the consent (by vote of the Council); whereas the common practice of the Council has been to permit the seconder to withdraw the second or the mover to withdraw the motion entirely. This seems to be the practically desirable result although it would not be the technically correct procedure under Robert’s.

As hereinafter set forth, the Council acts by motion; however, the motion may be to adopt an ordinance, a resolution, or merely a simple motion. (See I.D. - Action by the Council.)

Motions are generally of two types:

1. **Main Motion.** Such a motion is in order only when there is no other motion on the floor; or
2. **Subsidiary Motion.** Such a motion is in order only when there is another motion already on the floor.

A **main motion** requires a second and when then stated by the presiding officer is before the Council. A motion failing to receive a second dies for lack thereof. A motion duly made and seconded, and stated by the Chair, becomes the property of the Council, and is then before the Council for discussion and debate. It is subject to amendment.

A **motion to amend** a main motion is always in order prior to final vote and requires a second. A motion to amend does not change the subject of the motion it proposes to amend, and may be applied to any main motion except a motion to table, adjourn, reconsider, etc., but may change a portion of the motion by adding to, deleting from, or substituting different language, or meaning for a portion thereof. When a motion to amend has been duly made, accepted and stated by the chair, it must be voted upon prior to a vote on the main motion which it purports to amend. If the vote on the amendment passes, then a vote is taken on the **main motion as amended**.

If the vote on the amendment fails, the main motion (unamended) is still before the Council for action.

Although not allowed under **Robert's**, the Council allows a motion to be amended by the agreement of the mover and the seconder. A so-called "friendly amendment" may be proposed by any member of the Council.

A **substitute motion** is a subsidiary motion, and may be made only when a main motion is pending, and may be applied to any main motion (again, except for motions to table, adjourn, reconsider, etc.). Such a motion is one which, if adopted, would dispose of the matter under consideration. That is, if a substitute motion is adopted, it is substituted for the main motion and if finally approved the main motion is disposed of by substitution rather than by vote. Only one substitute motion may be pending at a time. A substitute motion requires a second and must be stated by the chair. The chair, in expressing the question before the body expresses it, "Shall the motion before the Council be substituted for the main motion?" If this motion passes, then the vote is on the substitution only, not on the merits and a second vote is required to adopt the substituted motion. If a substitute motion fails, the original motion is

D. Action by the Council



The Council, in exercising its legislative authority, acts either by ordinance, resolution, or motion. In other matters, such as the appointment of boards and commissions, the Council acts by simple nominating and electing processes. (See II.F. - Nomination and Appointment Procedures.)

1. **Ordinances.** Certain matters require that Council action be by ordinance. In general, these include exercise of the police power (the authority of a municipality to enact ordinances to promote the public health, safety, and welfare) by the Council; for example, zoning amendments, traffic regulations, budget ordinances levying taxes and appropriating revenues. Actions of this type affect the public generally.
2. **Resolutions.** In general parliamentary practice, whether an action may be authorized by a simple motion or whether it requires a resolution depends upon the scope of the contemplated action. However, Chapel Hill has traditionally taken almost all actions by resolution. For example, although actions such as awarding contracts, authorizing special requests, or authorizing a temporary street closing are limited actions which refer only to a particular matter and, as such, could be handled by a simple motion, Chapel Hill's practice has been to prepare resolutions for these actions. Resolutions also should be used for authorizing actions of broader scope such as establishing written policy.
3. **Motions.** Motions have been confined, for the most part, to approving minutes or directing that an ordinance or resolution be prepared for consideration by the Council to consummate a particular desired course of action.
4. **As to Particular Matters.** Examples of these and the correct suggested procedures are set forth below.

1. Special Use Permits.

1. To Grant a Special Use Permit. The appropriate motion, is: "I move the Council adopt Resolution (specify the TITLE of the resolution and its number)."

2. To Deny a Special Use Permit. The appropriate motion, is: "I move the Council adopt Resolution (specify the TITLE of the resolution and its number)."

2. Zoning Change. The proper motion is "I move the Council enact Ordinance (specify the TITLE of the ordinance and its number)."

3. Contracts. In all contract matters, the recommendation of the Manager is forwarded to the Council in the form of a resolution. It usually will be a recommendation to accept the low bid. The proper motion is "I move the Council adopt Resolution (specify the TITLE of the resolution and its number)."

4. Procedure for Adopting. Most ordinances and resolutions require only that some member move the adoption of the ordinance or resolution, another member second, and a vote be taken and recorded in the minutes. In certain instances, however, in connection with

E. Voting



1. **Routine.** Although a quorum of the Council is five, a quorum cannot act by simple majority. The affirmative vote of five members of the governing body to take almost all actions. Any motion not receiving the required vote is not defeated, but merely fails adoption. (See Section 5, below.)

2. **Ordinance.** General law provides that no ordinance (except for budget, bond order, franchise ordinance, and legislative decision for development regulation) may be enacted at the meeting it is introduced unless it receives two-thirds vote. An ordinance failing to receive the requisite vote merely goes over to the next regular meeting of the Council for a second vote before becoming final. At second reading, an ordinance requires only five votes to be enacted.

1. **Budget Ordinances.** A budget ordinance may be adopted by simple majority at any regular or special meeting of the Council. This provision is designed to expedite the fiscal operations of the Town.

2. **Bond Order.** The certificate must indicate the split. A five-four split on adoption of a bond ordinance could raise serious questions with bond counsel.

3. **Franchise Ordinances.** To adopt an ordinance granting a franchise, the ordinance must be approved at two regular meetings of the Council. Such meetings need not be consecutive, but approval must be by a five vote majority vote at both such meetings.

4. **Legislative Decisions for Development Regulation.** An ordinance amending development regulations and/or amending the Zoning Atlas may be adopted by simple majority at the same regular or special meeting of the Council where the legislative hearing is closed. The Town must permit adoption on first reading in accordance with G.S. 160A-75.

3. **Citizen Comments.** In matters involving amendments to the Zoning Ordinance, state law provides that if any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the Clerk at least two business days prior to the proposed vote on such change, the Clerk must provide Council with the written statement. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-406, the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all Council Members shall not disqualify any Council Member from voting.
4. **Abstention.** By State statute, no member of the governing body may be excused from voting on any matter before the Council except in matters involving the consideration of his or her own financial interest or official conduct. In most other cases, the failure to vote by a member who is physically present or has withdrawn without being excused (preferably by a majority vote of the remaining members present) shall be recorded as an affirmative vote. This rule does not apply to zoning ordinance amendments. For example, if a Council Member is physically present in the chamber, the Council Member is required to vote on a zoning ordinance amendment, but silence in response to a call for a voice vote cannot be accepted as an affirmative vote. If a Council Member has exited the Chamber without being excused from the meeting, the Council should delay calling for the vote on the zoning ordinance matter until the Council Member returns to the Council Chambers and can take part in the vote. The rule against abstaining from voting does not apply where the matter being voted upon is not a motion but rather offers the Council more affirmative choices than just approval or disapproval of a specific ordinance or resolution. For example, if the Council is voting on appointments to an advisory board a Council member may elect to turn in a signed, unmarked ballot. Certain other circumstances may make abstention from voting appropriate in cases involving quasi-judicial proceedings. These are reviewed during Council orientation by the Town Attorney.
5. **Tie Votes.** In the event that voting on an item being deliberated for the first time results in a tie, then the item is carried over for consideration at the next regular meeting. If that same item receives a tie vote at its second, third, fourth, etc., consideration with one or more members of the

F. Public Hearings and Public Forums



1. **Purpose.** The purpose of public hearings is to permit public input and discussion. Newspaper and other media notice are given. Generally such hearings are of two types:
 1. Those called by the Council in its discretion (often referred to as public forums); and
 2. Those required by law.
2. **Required by Law.** Certain public hearings, for example those on zoning changes, subdivision applications, special use permits, the annual budget, assessment rolls, and federal programs are all examples of public hearings required by various regulations.

Present ordinances provide that public hearings on land use matters may be held normally on the third Monday in January, February, March, April, May, June, September, October, and November. The Council may schedule a public hearing at any time on its own motion.

3. **Notice of Public Hearings.** Various regulations prescribe the minimum notice and advertisement time, usually by publication in a newspaper. The time required varies with the subject of the hearing. Generally it is between ten and fifteen days. There is generally no legal form of notice required, only that the notice be of sufficient clarity and fullness to give the public an idea as to what the subject matter will be, when and where the hearing will be held, and where additional information may be obtained.
4. **Procedure at Public Hearings.** No precise statutory procedure exists for the conduct of public hearings. The Council has informally determined the format to be:
 1. Description and explanation of the request or proposal and questions with respect thereto;
 2. Hearing from the public on the proposal;
 3. Comments or questions from members of the Council;
 4. Referral to the Manager or appropriate agency.
5. **Recess of Public Hearings.** Hearings on Master Plans, Special Use Permits and Subdivisions shall be recessed to allow the Manager's follow-up report to be submitted under oath and subject to cross examination prior to adjournment of the hearing and consideration by the Council. Unless otherwise reopened by action of the Council, public hearings shall in all other respects conclude at the end of the initial regularly advertised and conducted public hearing.
6. **Reconvening of Public Hearings.** Pursuant to General Statute, the Council may continue a public hearing from time to time without further advertisement, as long as the date, time and location for reconvening are specified at the time the hearing is postponed.
7. **Special Use Hearings.** The Supreme Court of North Carolina has held that the Council, in conducting a special use hearing, is acting as a quasi-judicial body which finds facts based upon evidence presented to it. Witnesses desiring to give evidence must be sworn; this oath is to be administered by the Town Clerk. In the event there are opposing views, both sides must be given a reasonable opportunity to examine or cross-examine witnesses. The Council may consider, in making its final decision, only evidence submitted to it under oath at the public hearing which has been subject to the appropriate rules of procedure. Unless withdrawn with the permission of the Council or found fatally defective by reason of improper legal notice, etc., the only appropriate action for the Council following a special use or rezoning hearing is to refer the matter to the Manager for his/her consideration and recommendation.
8. **Subdivision Hearings.** Subdivision hearings shall be conducted in the manner of special use hearings, with testimony presented under oath and a reasonable opportunity made available for

examination and cross-examination of witnesses. The Council may consider, in making its final decision, only evidence submitted to it under oath at the public hearing, which has been subject to

G. Record of Council Action



1. **Minutes.** General Statute requires that full and accurate minutes of the Council proceedings shall be kept and shall be open to inspection to the public. Parties wishing to examine Council minute books or view videotapes of prior Council meetings may do so in the Office of the Town Clerk during regular business hours. A brief statement indicating this availability shall be made on the cover sheet of draft minutes of regular Council meetings. State law requires the ayes and nays of every vote be recorded in the minutes. The minutes as prepared for the consideration by the Council are draft minutes, and only when corrected and approved and entered in the official minute book do they become the official minutes of Council action. As soon as possible after each meeting, the Town Clerk shall distribute draft minutes to the Mayor and Council for review and revisions. The period for reviewing the minutes and returning revisions to the Town Clerk shall be at least 7 days. After revision of the draft minutes as needed, the Manager will place the final draft minutes as recommended on the Consent Agenda.
2. **Minute Book.** There is maintained in volumes in the Office of the Town Clerk the official Minute Book of the Council. In this are kept all notices, waivers of notices of special meetings, election results, as well as the minutes of the Council containing all ordinances and resolutions adopted by the Council.
3. **Book of Ordinances.** The Town maintains a Book of Ordinances, separate and apart from the official Minute Book, in the Office of the Town Clerk. Each ordinance is entered herein and assigned a sequential ordinance number for the calendar year in which adopted prior to January 1986; and a sequential ordinance number for the meeting day, month and year, beginning in January 1986. For example, 79-O-1 being the first ordinance adopted by the Council in calendar year 1979, and 86-1-13/O-1 being the first ordinance adopted at the January 13, 1986 Council meeting.
4. **Book of Resolutions.** The Town maintains a Book of Resolutions separate and apart from the official Minute Book and Ordinance Book, and into this permanent volume are entered all resolutions adopted by the Council. All resolutions, like ordinances, are assigned a sequential number for the calendar year prior to January 1986; and a sequential resolution number for the meeting day, month and year, beginning in January 1986. For example, 79-R-1 being the first resolution adopted by the Council in calendar year 1979, and 86-1-13/R-1 being the first resolution adopted at the January 13, 1986 Council meeting.
5. Code of Ordinances. The **Code of Ordinances** contains in codified form all general ordinances

II. Committees

A. Council Committees	>
B. Citizen Task Forces	>
C. Committees to which Council Members are Appointed	>
D. Council-Appointed Boards and Commissions	>
E. Council Liaison to Boards and Commissions	>
F. Appointment Procedures	>

III. General Policies and Procedures

The following guidelines concern Council members' attendance at professional meetings and the policy regarding materials and services available to the Council. They are established to facilitate consistent municipal operations.

A. Professional Meetings	▼
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The Mayor and Council are allocated a set amount of money, established when the budget is adopted, to be used for expenses incurred when attending professional meetings.

1. **Attendance.** Council members are free to choose which, if any, professional meetings they wish to attend.
2. **Expenses.** The following guidelines set forth Town policy regarding travel advance and reimbursement cost limits.

- a. **Registration Fee.**

The Town will pay all registration costs.

- b. **Transportation.**

For travel within a two hundred mile radius, the Town will pay round-trip train or bus fare, or the current mileage reimbursement rate per Internal Revenue Service guidelines for a private auto, providing the mileage cost does not exceed the cost of air travel. The Town will

pay round-trip coach fare on the appropriate common carrier for locations two hundred miles away or more.

c. **Lodging.**

The Town will pay the actual cost of lodging.

d. **Meals.**

The Town will pay a per diem based on the Town's current travel policy for in-State and out-of-State travel. Please refer to Section 5.2d of the Town's Administrative Policies and Procedures Manual for specific details.

OR:

The Town will pay for the actual cost of meals if receipts are submitted. In addition, the Town will pay the actual amount of all officially authorized conference meals which are not included in the original registration fee.

e. **Miscellaneous Expenses.**

Any miscellaneous expenses incidental to Town business must be explained and documented in detail to the Finance Director. One personal telephone call per day of three minutes or less is reimbursed.

f. **Improper Expenses.**

Expenditures of the following nature are not eligible for reimbursement:

1. Expenses for the Council members' families;
2. Meal or other expenses incurred prior to or after the end of the conference (with the exception that meals while traveling to and from are permitted);
3. Rental of an automobile where other means of transportation are less costly;
4. The cost of alcoholic beverages or parties and entertainment; and
5. Telephone calls or telegraph messages except for the purpose of undertaking necessary Town business (except as noted in (e) above).

3. **Procedure for Making Reservations.** A Council member may request the Manager's Office to make reservations. The Council members should complete the conference registration form, the request for room reservations, and the request for an advance and submit these forms to the

Manager's Office. Request for travel advances require at least two weeks for processing. The Manager's Office will then submit the completed forms to the Finance Director for certification of the availability of funds. The Finance Department will then write the required checks. The Manager's Office will make the necessary reservations and inform the Council member of reservations and payments made and forward the requested advance.

4. **Reimbursement.** If an advance is obtained, proof of expense incurred (receipts) must be

B. Services and Materials Available to the Council



C. Procedure for Evaluation of Town Manager and Town Attorney



D. Naming Public Facilities



E. Council-Adopted Policies and Procedures



1. Acceptance of Gifts and Donations.

Section 1. The purpose of this policy is to establish a uniform policy for accepting gifts and donations made to the Town of Chapel Hill.

Section 2. Any gifts or donations solicited by or received by the various boards and commissions appointed by the Town Council are construed to be gifts or donations to the Town and therefore governed by this policy.

Section 3. The Council of the Town of Chapel Hill shall be informed through the agenda process of the following types of gifts and donations and shall make a determination in a regular business meeting of whether or not to accept the following types of gifts and donations:

- a. Real estate.
- b. Personal property, ownership of which would require a significant expenditure of Town funds.
- c. Restricted cash to be used for a specified program or purpose which is not included in a current operating plan for the Town, including but not limited to gifts to commission a piece of artwork and gift it to the Town in perpetuity.

Section 4. The Council of the Town of Chapel Hill hereby delegates to the Town Manager the authority to accept other gifts and donations, such as:

- a. Unrestricted cash.
- b. Cash to be used for a specified program or purpose which is included in a current operating plan for the Town, including but not limited to gifts in support of operational

supplies and materials.

1. Donors may choose to request placement of a Town-issued marker on items purchased with their donations.
 - a. The text on Town-issued acknowledgment labels may memorialize or honor a person, organization, or event.
 - b. Named parties on acknowledgment labels must meet requirements outlined in the Manager's Marketing Partnership Policy and the Council Policy on Naming Facilities.
 - c. Town-issued acknowledgment labels are for a specified period of time and not intended to be permanent.
 - d. Text must be approved by the Director of the Department to which the donation is directed.
- c. Personal property that does not require a significant expenditure of Town funds

Established by Resolution (80-R-219) on November 26, 1980. Amended (2020-12-09/R-2)

2. Authorization for Manager to Enter into Contracts.

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to prepare, approve, and enter into the following contracts:

Contracts for construction, alteration, renovation or other physical improvements for which Council has accepted formal bids and awarded the contract to a particular company.

Change orders and amendments to construction contracts which do not cumulatively exceed the bid originally approved by the Council by more than 10% of the original contract amount, or \$50,000, whichever is less, and provided that there is an appropriation sufficient for the contract amendment.

Construction contracts for which formal bids are not required under State law.

Contracts for purchase of equipment or supplies for which the Council has accepted bids and awarded the contract to a particular company.

Service contracts for which funds are included in the budget.

Performance contracts with non-profit agencies and other governmental units in accord with the budgetary authorization of Council and any specific directives and requirements expressed by Council.

Agreements that the Town will provide a service in return for a reimbursement, grant, or other consideration, provided that the service is consistent with any relevant policy direction by Council and with approved program objectives and that the cost can be accommodated within appropriations.

Rental by the Town of building space, land or equipment, provided that sufficient funds are appropriated.

Excerpt from Council minutes of March 8, 1982 and as amended November 9, 1992.

3. Authorization for Manager to Enter into Encroachment Agreements.

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to prepare, approve, and enter into encroachment agreements, and licenses in a form satisfactory to the Town Attorney, regarding Town and N.C. DOT rights-of-way for the construction and/or installation of utilities and appurtenant items, grading, paving, curb and gutter, sidewalk, drainage pipes, ditches, signs, structures, landscaping, planters, rock walls and other similar improvements or modifications within the rights-of-way when such encroachments will not adversely affect public passage or other public purposes within such rights-of-way, and consistent with such additional or supplemental policy guidance as Council may from time to time provide by resolution.

Established by Resolution (85-R-13) on January 14, 1985.

4. Authorization for Purchasing Agent to Dispose of Personal Property Valued at Less than Five Thousand Dollars (\$5,000).

A RESOLUTION ESTABLISHING A POLICY AND PROCEDURE FOR DISPOSAL OF PERSONAL PROPERTY VALUED AT LESS THAN FIVE THOUSAND DOLLARS (\$5,000) FOR ANY ONE ITEM OR GROUP OF ITEMS (2000-01-10/R-11)

WHEREAS, N. C. General Statute 160A-266c was amended effective July 1, 1997, authorizing Town Councils to adopt regulations prescribing procedures for disposal of personal property valued at less than five thousand dollars (\$5,000);

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill:

1. The Purchasing Agent is authorized to declare surplus any items of personal property reported in writing as surplus by a department head and which value is estimated to be less than five thousand dollars (\$5,000);
2. The Purchasing Agent is authorized to dispose of surplus personal property valued at less than five thousand dollars (\$5,000);
3. The Purchasing Agent is authorized to sell items of fair market value under \$5,000 and to convey title of said property on behalf of the Town; and
4. The statute has revised the procedure that the Purchasing Agent no longer has to report the sale to Council. The Purchasing Agent is to keep a record of items sold, including description, to whom items are sold, and amount received for each item.

BE IT FURTHER RESOLVED that the purpose of this resolution is to facilitate the sale of such property and secure for the Town a fair market value.

Established by Resolution (2000-01-10/R-11).

5. Use of Public Streets.

WHEREAS, the streets and thoroughfares within the corporate limits of the Town of Chapel Hill are designed to accommodate the safe movement of vehicular traffic; and

WHEREAS, the use of streets, and thoroughfares for purposes other than vehicular traffic can cause conflicts and hazards and potential injury to motorists, other citizens and property along streets; and

WHEREAS, the Town has enjoyed a long - cherished tradition of the right of citizens to exercise their rights of free speech and assembly; and

WHEREAS, for many years, two areas along the Franklin Street right-of-way have been permanently designated as locations where citizens can peacefully protest, demonstrate, hold vigils, solicit donations and support for various causes, policies, laws, and actions; and

WHEREAS, Chapter 21, Section 7.1 of the Town Code of Ordinances regulates the closing of public streets; and

WHEREAS, the Council of the Town of Chapel Hill has authorized by ordinance, street closings for major community events, i.e., street fairs, parades, etc. during times of low traffic volume and said street closings are authorized with conditions specifically addressing the orderly flow of vehicular traffic using alternative routes, proper barricading and separation of vehicles from pedestrians, and prior notification and plans for the orderly provision of police, fire, rescue and public transportation services; and

WHEREAS, Chapter 11, Article IX, Section 91 - 95 provides for Temporary Outdoor Activities in or Near Parking Lots or Public Streets and the intent of this article is to protect the health, safety and welfare of drivers, pedestrians and other persons participating in or in the vicinity of outdoor activities in or near parking lots or public streets; and

WHEREAS, permits may be issued for outdoor activities such as carnivals, fairs, demonstrations, exhibitions, etc., only upon compliance with standards and conditions to protect the safety of citizens and to properly separate vehicles from pedestrians; and

WHEREAS, current practice allows the Chief of Police to temporarily restrict the flow of traffic for a period not to exceed 30 minutes for parades, processions, bicycle or foot races, provided pedestrians, and/or bicyclists are adequately protected from conflict with motorized vehicles and such activities are during periods of low traffic flow and under most circumstances can be limited to sidewalks or one travel lane of multi-lane streets, therefore impeding the flow of traffic only at street crossings, which are protected by officers and street monitors; and

WHEREAS, unapproved and spontaneous or unplanned events or demonstrations in the public streets of the Town jeopardize the health, safety and welfare of motorists, other persons and property along streets;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council, believing that the primary purpose of Town streets and thoroughfares is to provide for the safe and orderly flow of vehicular traffic, does not condone the use of public streets for unauthorized spontaneous uses such as parties, demonstrations and other unplanned events.

BE IT FURTHER RESOLVED that the Council of the Town of Chapel Hill believes spontaneous mass pedestrian use of streets has the potential of seriously jeopardizing the health, safety and welfare of citizens and property.

BE IT FURTHER RESOLVED that the Council strongly encourages and pledges its support to the leadership of groups and organizations, including the University of North Carolina in planning events so as not to conflict with the safe and orderly movement of traffic and to hold events in locations that are appropriate for outdoor events and do not jeopardize, but take all reasonable and prudent precautions to protect the citizens' health, safety and welfare.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill, that the Council supports the Mayor, Manager and Chief of Police in carrying out the powers vested in them by law to protect the health, safety and welfare of the citizens of Chapel Hill, protect property and in preserving order in the community.

Established by Resolution (87-3-9/R-22) on March 9, 1987.

NOTE: Please refer to the Administrative Policies and Procedures Manual for the following:

§ General Meeting Room Policy, Section 5.6c

§ Designation of a Public Forum for Displays in Town Hall, Section 5.6d

6. Selection of Architectural and Engineering Professional Services.

a. Public Policy.

To select the best suited firm or individual to provide professional architectural and engineering services to the Town based upon the demonstrated competence and qualification of the firms and individual to provide the type of services required.

b. Objectives.

1. To select firms or individuals which are best suited to provide professional architectural and engineering services to the Town on a contractual or performance agreement basis, in consideration of:

- a. Quality and timeliness of past work for the Town and other clients, as indicated by references or other research.
- b. Amount of experience in performing work relevant to that sought by the Town.
- c. Resources available to perform work and meet Town requirements, including:
 - i. ability to meet the desired schedule.
 - ii. staffing and equipment.
 - iii. training, knowledge and skills.
 - iv. availability and commitment of key

persons.

d. Proposed terms and conditions of service including:

- i. responsiveness to the Town's request for proposals.
- ii. contractual obligations to other clients.
- iii. meeting regulatory requirements, e.g., in connection with grant funded projects.
- iv. when applicable, providing performance guarantees, co-insurance and/or indemnification protections to the Town.
- v. willingness of the firm to provide the desired services at a fair and reasonable fee. In accord with State law, fees shall be negotiated after selection of a firm or individual based on competence and qualifications.
- vi. any requirement for assistance by Town staff, use of Town office space or equipment, etc.
- vii. any other factors which the Town determines are relevant in considering a specific proposal or group of proposals.

2. To enhance professional service opportunities for people who are members of minority groups or who are women, and for firms which are primarily owned by women and/or members of minority groups; to make selections without regard to race, color, sex, age, religion, national origin, marital status or non-job-related handicapped status.

3. To enhance opportunities for private businesses to provide services on terms which are in the best interest of the Town.
4. To comply with applicable national and State laws and regulations.

c. Scope.

This policy shall apply to selection of architectural and engineering services.

d. Procedures.

1. The Town shall request written proposals for architectural and engineering services when the expected cost of such services would exceed \$30,000, and the Town may use the following procedures for contracts of lesser amounts.

For services expected to cost more than \$30,000, the Manager shall:

- a. Maintain files listing individuals, firms and associations which have requested in writing to receive notices of Requests for Proposals (RFPs). The Town may require the use of forms for this purpose.
 - b. Send RFPs or notices of RFPs to any individuals, firms or associations which have filed written requests with the Town for such notices. The Town shall not be required to mail lengthy RFP documents, but may send RFP notices so that an interested party may pick up an RFP in a Town office. The Town may require RFPs to be returned and may require reasonable reimbursement for copying lengthy RFP documents.
 - c. Cause RFPs to be announced and publicized at least in the Triangle area (Wake, Durham and Orange Counties) by such means as the Manager deems reasonable in cost and effectiveness; such methods may include publishing legal notices or advertising and issuing news releases, in addition to mailings to parties which have requested notice.
 - d. Send RFPs or notices of RFPs to minority and female business organizations.
 - e. Subject to applicable laws and regulations, the Town Manager or the Council, as applicable, shall award and enter into contracts on the basis of considerations generally described in Section II, Objectives.
2. The Town Manager is authorized to enter into contracts on behalf of the Town pursuant to resolution 82-R-40 of March 8, 1982. (See E.2. above.)
 3. Notwithstanding the above, the Town Council may direct the submittal to the Council of proposed agreements and/or resolutions requesting proposals, awarding contracts, etc.; and may prescribe advertising and proposal evaluation procedures for specific agreements.
 4. This policy shall be subject to and superseded by applicable laws, regulations and contracts.*
 5. The term Town Manager shall include the Manager's designee.
 6. The Town Manager may issue administrative regulations and procedures to implement this policy.

*See also Chapter 5, Article VII of the Code of Ordinances, enacted May 12, 1997.

7. Student Government Liaison to the Town Council.

A RESOLUTION REGARDING A STUDENT GOVERNMENT LIAISON TO THE TOWN COUNCIL (88-02-08/R-1)

WHEREAS, the Town Council received a petition requesting University of North Carolina at Chapel Hill student representation on the Town Council; and

WHEREAS, the Town Council encourages knowledge of and participation in Town affairs by students; and

WHEREAS, the Town Council recognizes that University of North Carolina students are a major part of the population of the Town, and is interested in students' views on all Town-related issues affecting students;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill recognizes a University of North Carolina Student Liaison to the Town Council who shall be the Student Body President or his or her designee.

BE IT FURTHER RESOLVED that said Liaison shall receive the published agenda packet for the Town Council meetings and shall have a place reserved for him or her in the Meeting Room; and, who, further, shall be recognized as the formal line of communication between the Town Council and the UNC Student Government.

BE IT FURTHER RESOLVED that a copy of this resolution shall be placed in and be a part of Section III(D)* of the adopted Town Council Procedures Manual.

Established by Resolution (88-2-8/R-1).

8. Establishment of a Percent for Public Art Program for Town Funded Capital Improvements Projects

AN ORDINANCE ESTABLISHING A PERCENT FOR PUBLIC ART PROGRAM FOR TOWN FUNDED CAPITAL IMPROVEMENT PROJECTS (2002-03-04/O-1)

BE IT ORDAINED by the Town Council of the Town Of Chapel Hill that the Council does hereby establish a program for supporting art in public places as follows:

Section 1. Findings and purposes.

The Town Council does hereby find that:

- a. Expanding the opportunity for the citizens to experience public art will promote the general welfare of the community; and,
- b. Providing for art in public places will enhance the aesthetic quality of public buildings and spaces; and,
- c. Supporting public art will further the objectives of the Town established in the Town's Comprehensive Plan.
- d. Enhancing the appearance of buildings and spaces provides benefits to the community by expanding the historical, cultural and creative knowledge of citizens.
- e. Providing art accessible to the public and to the users of Town buildings and parks will improve of the quality of life in Chapel Hill, and more specifically will

§ help define the community's identity and sense of place,

§ promote social interaction and discourse,

§ bring the arts into everyday life and

§ memorialize the past while expressing shared values for the future.

Section 2. Percent for Public Art Program Established.

A Percent for Public Art Program is hereby established to help define the community's identity and sense of place, promote social interaction and discourse, bring the arts into everyday life and memorialize the past while expressing shared values for the future.

Section 3. Selection of Sites for Public Art Annually.

The Council shall decide annually which capital budgets shall include 1% or another amount for public art, and on which sites the artwork should be located.

Section 4. Authorization to Commission, Acquire, Maintain and Conserve Art

The Town Council's authorization to commission, acquire, maintain and conserve art shall be consistent with Council adopted policy and shall include input from the public as well as from the Chapel Hill Public Art Commission.

Section 5. Policies for Implementation of Percent for Public Art Program by Council.

The Council's Policies for implementation of the Percent for Public Art Program shall be established by the Council in writing and shall be available upon request.

This the 4th day of March, 2002.

9. Defining a Percent for Public Art Program and the General Policies of the Program

A RESOLUTION DEFINING A PERCENT FOR PUBLIC ART PROGRAM AND THE GENERAL POLICIES OF THE PROGRAM (2002-03-04/R-8)

WHEREAS, the Comprehensive Plan of the Town of Chapel Hill includes public art as part of the section on Community Character; and

WHEREAS, the Town Council has included a Percent for Public Art Program in the short-term implementation measures adopted on July 5, 2000; and

WHEREAS, the Public Arts Commission and its subgroups have been working with the Town staff to develop policies and procedures for a Percent for Public Art Program;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby establishes a Percent for Public Art Program:

§ to help define the community's identity and sense of place,

§ to promote social interaction and discourse,

§ to bring the arts into everyday life and

§ to memorialize the past while expressing shared values for the future.

BE IT FURTHER RESOLVED that the program shall be guided by the following policies:

1. Program Objective: To provide art accessible to the public and to the users of Town buildings and parks, for the improvement of the quality of life in Chapel Hill, and more specifically to:

§ help define the community's identity and sense of place,

§ promote social interaction and discourse,

§ bring the arts into everyday life and

§ memorialize the past while expressing shared values for the future.

2. Annual Public Art Plan: The Town Council shall meet at least annually to consider a Public Art Plan recommended by the Public Arts Commission. The recommended Public Art Plan shall include:
 - a. Those capital projects which should include 1% of their project budgets for public art
 - b. The distinction between those capital projects which should include public art on-site and which should contribute 1% of their budget to a pool of funds reserved for public art commission, acquisition, maintenance and conservation
 - c. General location(s) for the art not recommended for the site of a capital project.
 - d. The Town Council shall decide on which capital budgets shall include 1% for art and the general site(s) of the art, and shall appropriate funds. This set of decisions shall be known as the Public Art Plan for the given year.
3. Budget: 1% of the annual Capital Improvements Program shall be considered by the Council for reservation for public art. However, the base from which the 1% is calculated shall exclude grant funds for which the Town provides a local match, bond funds which do not allow such a use, and any other funds whose source would prevent their use for public art.
 - a. The project budget shall include all costs funded by the Town for designing, building and equipping the facility, including site work but excluding the acquisition of land.
 - b. The public art budget shall include all costs of artist selection; artist fee; fabrication; installation, including special plumbing, wiring or lighting; publicity; celebration; and any other cost related to the public art project.
4. Location:
 - a. Location of artwork shall generally be on the site of the capital project unless specified otherwise in the adopted Public Art Plan. Specific location within the specified site shall be considered by the Public Arts Commission as part of the selection of the artwork and review of its design development.
 - b. Consideration shall be given to the unique site, surrounding uses and development, function of the facility, users of the facility, style of the facility, visibility to the public, maintenance and security issues. Artwork should be selected and placed to enhance the project as a whole.
5. Selection of Artists and Art:
 - a. The Public Arts Commission shall establish a process with written guidelines, available to the public, for the selection of artists and the review of the art proposed for acquisition. The process shall be open to the public and shall encourage participation by as wide a variety of citizens as possible.
 - b. The Public Arts Commission shall appoint a committee to be chaired by a Commission member and to include at least one representative each of the Public Art Commission, Town Council, the designer of the capital project

(if relevant), the host department, the public at large; and two art professionals.

- c. The committee shall make its recommendation to the full Public Arts Commission.
 - d. The Public Arts Commission shall present to the Toandwn Council the artist and his/her style, the type of artwork which would be expected to result from a commission; or the specific artwork it recommends be acquired; or the artwork which it recommends be maintained or conserved. The Town Council shall authorize a contract as recommended, with or without its own conditions, or shall request another recommendation from the Public Art Commission.
6. Execution of Artist's Commission:
- a. The artist's contract shall define a process for his/her design development.
 - b. The artist's contract shall define the review points during the design development

IV. Open Meetings Law of North Carolina

Open Meetings and Local Governments in North Carolina



Appendix A





Date: December 11, 2023

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk *HF*

Re: Mayor Pro Tem Selection

Per Section 30.05, Mayor Pro Tempore of the Holden Beach Code of Ordinances, the Board shall elect from one of its members a mayor pro tem. The normal term of office is one year, commencing with the December meeting.

If the Board chooses to elect a new mayor pro tem, you can vote by ballot or verbally, whichever is the Board's preference. If the Board votes by ballot, please make sure to sign your ballot.



Date: December 11, 2023

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk HF

Re: Meeting Schedule

Enclosed is the proposed 2024 Board of Commissioners' Regular Meeting Schedule. All dates reflect the third Tuesday of the month.

Staff recommends approval.



**TOWN OF HOLDEN BEACH
2024 BOARD OF COMMISSIONERS' MEETING SCHEDULE
5:00 P.M.
LOCATION –TOWN HALL PUBLIC ASSEMBLY**

January 16th

February 20th

March 19th

April 16th

May 21st

June 18th

July 16th

August 20th

September 17th

October 15th

November 19th

December 17th



Date: December 12, 2023

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk HF

Re: Rules of Procedure

The Board of Commissioners is required to adopt rules of procedure. The current version the Board is using is included for your review (Attachment 1). The Board may adopt these rules as written or make amendments to them.

I suggest the Board review the materials and adopt rules at the January meeting. Please let me know if you have any questions.

Attachment 1: Current Rules of Procedure

Suggested Rules of Procedure

for the Town of Holden Beach Board

Part I. Applicability

Rule 1. Applicability of Rules

These rules apply to all meetings of the Holden Beach Board of Commissioners.¹ For purposes of these rules, a meeting of the board occurs whenever a majority of the board's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the board's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

Part II. Quorum

Rule 2. Quorum

The presence of a quorum is necessary for the board to conduct business. A majority of the board's actual membership plus the mayor, excluding vacant seats, constitutes a quorum. A member who withdraws from a meeting without being excused by majority vote of the remaining members in attendance is deemed present for quorum purposes.

Part III. Open Meetings

Rule 3. Remote Participation in Board Meetings

No member who is not physically present for a board meeting may participate in the meeting by electronic means except in accordance with a policy adopted by the board. Although a member who attends a meeting electronically pursuant to such a policy may take part in debate, the member may neither be counted toward a quorum nor vote on any matter before the board.

Rule 4. Meetings to Be Open to the Public

Except as permitted by Rule 5, all meetings of the board shall be open to the public, and any person may attend its meetings.

¹. In North Carolina, the legal status and authority of a municipality is the same, regardless of whether it is denominated a Town, town, or village. See G.S. 160A-1(2) (defining the term "Town" as used in Chapter 160A to mean "a municipal corporation . . . having the powers, duties, privileges, and immunities conferred by law on cities, towns, and villages"). The same is true of a municipal governing board, which may be known as a Board, board of aldermen, or board of commissioners. See G.S. 160A-1(3) (noting that the term "Board" as used in Chapter 160A is interchangeable with the terms "board of aldermen" and "board of commissioners"). These rules employ the term "Town Board" for the sake of convenience and in deference to the terminology found in Chapter 160A, the primary statutes governing municipal corporations. Obviously, if the governing board of a town or village is adopting these rules, it will need to modify the terminology used to fit its situation.

Rule 5. Closed Sessions

(a) Motion to Enter Closed Session. The town board may enter a closed session from which the public is excluded only upon a motion duly made and adopted in open session. The motion to enter closed session must cite one or more of the permissible bases for closed session listed in paragraph (b) of this rule. A motion to enter closed session under subparagraph (b)(1) or (b)(2) must contain the additional information specified in those provisions.

(b) Bases for Closed Session. A closed session is permissible under the following circumstances and no others:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or of the United States or that does not constitute a public record within the meaning of Chapter 132 of the General Statutes. The motion to enter closed session must name or cite the law that renders the information confidential or privileged.
- (2) To consult with the town attorney or another attorney employed or retained by the town in order to preserve the attorney–client privilege. If the board expects to discuss a pending lawsuit with its attorney, the motion to enter closed session must include the names of the parties to the lawsuit.
- (3) To discuss matters relating to (a) the location or expansion of industries or other businesses in the area served by the town or (b) the closure or realignment of a military installation. The board may reach agreement in closed session on a tentative list of economic development incentives to be offered in negotiations, but the approval of the signing of any economic development contract or commitment and the authorization of the payment of economic development expenditures must take place in open session.
- (4) To establish or instruct staff or agents concerning the town’s position in negotiating the price or other material terms of an agreement for the acquisition of real property by purchase, exchange, or lease.
- (5) To establish or instruct staff or agents concerning the amount of compensation or other material terms of an employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment or employment of a public officer or employee or prospective public officer or employee, except when the individual in question is a member of the town board or other public body or is being considered to fill a vacancy on the town board or other public body. Final action to appoint or employ a public officer or employee must take place in open session.
- (7) To hear or investigate a charge or complaint by or against a public officer or employee. Final action discharging an employee or removing an officer must occur in open session.
- (8) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (9) To view a law enforcement recording released pursuant to G.S. 132-1.4A.
- (10) On any other basis permitted by law.

(c) Closed Session Participants. Unless the board directs otherwise, the town manager, town attorney, and town clerk may attend closed sessions of the board. No other person may attend a closed session unless invited by majority vote of the board.

(d) Motion to Return to Open Session. Upon completing its closed session business, the board shall end the closed session by adopting a duly made motion to return to open session.

Rule 6. Meeting Minutes

(a) Minutes Required for All Meetings. The board must keep full and accurate minutes of all of its meetings, including closed sessions. To be “full and accurate,” minutes must record all actions taken by the board. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of the board, though the board in its discretion may decide to incorporate such details into the minutes.

(b) Record of “Ayes” and “Noes.” At the request of any member of the board, the minutes shall list each member by name and record how each member voted on a particular matter.

(c) General Accounts of Closed Sessions. In addition to minutes, the board must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The board may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.

(d) Sealing Closed Session Records. Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the Board or, if the board delegates the authority to unseal to one or more staff members, in accordance with guidelines adopted by the board. The sealed minutes and general account of any closed session may be withheld from public inspection so long as public inspection would frustrate the purpose(s) of the closed session.

Rule 7. Broadcasting and Recording Meetings

(a) Right to Broadcast and Record. Any person may photograph, film, tape-record, or otherwise reproduce any part of a board meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a Board meeting.

(b) Advance Notice. Any radio or television station that plans to broadcast any portion of a board meeting shall so notify the town clerk/town manager no later than twenty-four hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a board meeting.

(c) Equipment Placement. The town manager may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a board meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the town manager determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the town manager may require the pooling of the equipment and the personnel operating it.

(d) Alternative Meeting Site. If the news media request an alternative meeting site to accommodate news coverage, and the board grants the request, the news media making the request shall pay the costs incurred by the town in securing an alternative meeting site.

Part IV. Organization of the Board

Rule 8. Organizational Meeting; Selection of Mayor Pro Tempore

(a) Scheduling Organizational Meeting. The board must hold an organizational meeting following each general election in which board members are elected. The organizational meeting must be held either

(1) on the date and at the time of the board's first regular meeting in December following the election or
(2) at an earlier date, if any, set by the incumbent board. The organizational meeting may not be held before municipal election results are officially determined, certified, and published as required by law.

(b) Oath of Office. As the first order of business at the organizational meeting, all newly elected members of the board must take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution. Each member's oath must be filed with the town clerk. Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe, and file the oath before he or she begins performing any of the duties of the member's office.

(c) Selection of Mayor Pro Tempore. As the second order of business at the organizational meeting, the board shall elect from among its members a mayor pro tempore using the procedures specified in Rule 38. The mayor Pro Tempore shall serve at the board's pleasure.

Part V. Types of Meetings

Rule 9. Regular Meetings

(a) Regular Meeting Schedule. The board shall hold a regular meeting on the third Tuesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held in the Holden Beach Town Hall and begin at 5:00 p.m. The board shall adopt a meeting schedule each year consistent with this rule. A copy of the board's current meeting schedule shall be filed with the town clerk and posted on the town's website.

(b) Change to Meeting Schedule. Notwithstanding paragraph (a) of this rule, the board may amend its regular meeting schedule to add or delete meetings or to change the date, time, or location of one or more meetings on the schedule. The amended schedule shall be filed with the town clerk at least seven (7) calendar days before the day of the first meeting held pursuant to the revised schedule and posted on the town's website.

Rule 10. Special Meetings

(a) Calling Special Meetings. A special meeting of the board may be called by the mayor, the mayor pro tempore, or any two board members. A special meeting may also be called by vote of the board in open session during a regular meeting or another duly called special meeting.

(b) Notice to the Public. At least forty-eight hours before a special meeting of the board, notice of the date, time, place, and purpose of the meeting shall be (1) posted on the board's principal bulletin board or, if the board has no such board, at the door of the board's usual meeting room and (2) delivered, e-mailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Furthermore, if the board has a website maintained by at least one town employee, notice of the special meeting's date, time, place, and purpose shall be posted on the website in advance of the meeting.

(c) Notice to Members.

(1) *Meeting called by the mayor, the mayor pro tempore, or any two board members.* At least forty-eight hours before a special meeting called by the mayor, the mayor pro tempore, or any two board members, written notice of the meeting stating its date, time, and place, as well as the subjects to be considered along with any supporting documents, shall be delivered to the mayor and each board member or left at his or her usual dwelling place.

(2) *Meeting called by vote of the board in open session.* When a special meeting is called by vote of the board in open session during a regular meeting or another duly called special meeting, the motion or resolution calling the special meeting shall state the meeting's date, time, place, and purpose. Written notice of the special meeting's date, time, place, and purpose along with any supporting documents shall be mailed or delivered at least forty-eight hours before the meeting to each board member not present for the meeting at which the special meeting was called, and to the mayor if he or she was not present at that meeting.

(d) Transacting Other Business. Unless all members are present or any absent member has signed a written waiver of notice, only those items of business specified in the notice to board members may be taken up at a special meeting. Even when all members are present or any absent member has signed a waiver, the board may take up an item of business not covered by the notice only if the board first determines in good faith that the item must be discussed or acted upon immediately.

Rule 11. Emergency Meetings

(a) Grounds for Emergency Meeting. Emergency meetings of the town board may be called only to address generally unexpected circumstances demanding the board's immediate attention.

(b) Calling Emergency Meetings. There are two methods by which an emergency meeting of the board may be called.

- (1) The mayor, the mayor pro tempore, or any two members of the board may at any time call an emergency board meeting by signing a written notice stating the date, time, and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each board member or left at his or her usual dwelling place at least six hours before the meeting.
- (2) An emergency meeting may be held when the mayor and all members of the board are present and consent thereto, or when any absent member has signed a written waiver of notice.

(c) Notice to Media of Emergency Meetings. Notice of an emergency meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request with the town clerk for notice of emergency meetings. To be valid, the request must include the newspaper's, wire service's, or station's telephone number. Notice may be given by telephone, e-mail, or the same method used to notify board members. Notice must be provided immediately after board members have been notified and at the expense of the party notified.

(d) Transaction of Other Business Prohibited. Only business connected with the emergency may be considered at an emergency meeting.

Rule 12. Recessed Meetings

(a) Calling Recessed Meetings. When conducting a properly called regular, special, or emergency meeting, the board may recess the meeting to another date, time, or place by a procedural motion made and adopted, as provided in Rule 31, Motion 3, in open session. The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene.

(b) Notice of Recessed Meetings. If the board has a website maintained by one or more town employees, notice of the recessed meeting's date, time, and place must appear on the webpage prior to the meeting. No further notice of a properly called recessed meeting is required.

Part VI. Agenda

Rule 13. Agenda

(a) Draft Agenda.

- (1) *Preparation.* The town clerk shall prepare a draft agenda in advance of each meeting of the town board.
- (2) *Requesting placement of items on draft agenda.* For a regular meeting, a request to have an item of business placed on the draft agenda must be received by the town clerk along with any supporting documents at least seven working days before the date of the meeting. The town clerk must place an item on the draft agenda in response to a board member's timely request.
- (3) *Supplemental information/materials.* If the board is expected to consider a proposed policy, resolution or ordinance, or amendment to any such, a copy of the proposed policy, resolution or ordinance, or amendment, shall be attached to the draft agenda. An agenda package shall be prepared that includes, for each item of business listed on the draft agenda, as much background information on the topic as is available and feasible to provide.
- (4) *Delivery to board members.* Each board member shall receive a hard or electronic copy of the draft agenda and the agenda package. For a regular meeting, the agenda and agenda package shall be furnished to each member at least three working days before the meeting. For special and emergency meeting requirements, see Rules 10 and 11.
- (5) *Public inspection.* The draft agenda and agenda package shall be available to the public when the documents are ready to be, or have been, circulated.

(b) Adoption of the Agenda.

- (1) *Adoption.* As its first order of business at each meeting, the board shall review the draft agenda, make whatever revisions it deems appropriate, and adopt a formal agenda for the meeting.
 - (2) *Amending the agenda.* Both before and after it adopts the agenda, the board may add or subtract agenda items by majority vote of the members present and voting, except that
 - the board may not add to the items stated in the notice of a special meeting unless the requirements in Rule 10(d) are satisfied;
 - the board may not subtract items in the proposed agenda stated in the notice of the special meeting unless those calling the meeting agree and
 - only business connected with the emergency may be considered at an emergency meeting.
 - (3) *Designation of items "For Discussion and Possible Action."* The board may designate an agenda item "for discussion and possible action." The designation signifies that the board intends to discuss the item and may, if it so chooses, take action on the item following the discussion.
 - (4) *Designation of items For Discussion".* Items added to the agenda at a meeting in combination with supporting information will be designated "for discussion" with any action deferred to a later session, unless the item could be considered time critical, in which case a motion will be made for the item to be considered "for discussion and possible action". The motion must receive affirmative votes equal to at least two-thirds of the board members present, not counting the mayor, unless the mayor has the right to vote on all questions before the board.
- (c) **Consent Agenda.** The board may designate part of an agenda for a regular meeting as the *consent agenda*. Items may be placed on the consent agenda by the person(s) charged with preparing the draft agenda if the items are judged to be noncontroversial and routine. Prior to the board's adoption of the meeting agenda under subparagraph (b)(1) of this rule, the request of any member to have an item moved

from the consent agenda to unfinished business must be honored by the board. All items on the consent agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.

(d) Informal Discussion of Agenda Items. The board may informally discuss an agenda item even when no motion regarding that item is pending.

Rule 14. Acting by Reference to Agenda or Other Document

The board shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document with the intention of preventing persons in attendance from understanding what action is being considered or undertaken. The board may deliberate and vote by reference to the agenda or any item on the agenda, including the consent agenda, provided copies of the agenda are available for public inspection at the meeting and are sufficiently worded to enable the public to understand what is being deliberated or acted upon.

Rule 15. Agenda Items from Members of the Public

If a member of the public wishes to request that the board include an item on its regular meeting agenda, he or she must submit the request to the town clerk by the deadline specified in Rule 13(a)(2). The board is not obligated to place an item on the agenda merely because such a request has been received.

Rule 16. Order of Business

Items shall be placed on a regular meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

- adoption of the agenda,
- approval of the consent agenda,
- approval of the previous meeting minutes,
- public hearings,
- public comments,
- administrative reports,
- committee reports,
- unfinished business, and
- new business.

Without objection, the mayor may call agenda items in any order most convenient for the dispatch of business.

Part VII. Role of the Presiding Officer

Rule 17. The Mayor

(a) Presiding Officer. When present, the mayor shall preside at meetings of the board.

(b) Right to Vote. The mayor may vote only when an equal number of affirmative and negative votes have been cast.

(c) Recognition of Members. A member must be recognized by the mayor (or other presiding officer) in order to address the board, but recognition is not necessary for an appeal pursuant to Rule 31, Motion 1.

(d) Powers as Presiding Officer. As presiding officer, the mayor is to enforce these rules and maintain order

and decorum during board meetings. To that end, the mayor may

- (1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
- (2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
- (3) entertain and answer questions of parliamentary procedure;
- (4) call a brief recess at any time; and
- (5) adjourn in an emergency.

(e) Appeals of Procedural Rulings. A member may appeal a decision made or answer given by the mayor under subparagraph (d)(1), (2), or (3) in accordance with Rule 31, Motion 1.

Rule 18. The Mayor Pro Tempore

(a) Presiding in Mayor's Absence. When present, the mayor pro tempore shall preside over board meetings in the mayor's absence with all the powers specified in Rule 17(d).

(b) Delegation of Mayor's Powers/Duties. In the mayor's absence, the board may confer on the mayor pro tempore any of the mayor's powers and duties. Likewise, if the mayor becomes physically or mentally unable to perform the duties of his or her office, the board may by unanimous vote declare the mayor incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When the mayor announces that he or she is no longer incapacitated, and a majority of the board concurs, the mayor shall resume the exercise of his or her powers and duties.

(c) Duty to Vote. Even when presiding over a board meeting, the mayor pro tempore has the same duty as other members to vote on all questions unless he or she has been excused from voting on a matter in accordance with Rule 28.

Rule 19. Other Presiding Officer

If both the mayor and mayor pro tempore are absent, the board may elect from among its members a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the powers listed in Rule 17(d). Service as a temporary presiding officer does not relieve a member of the duty to vote on all questions unless excused from voting pursuant to Rule 28.

Rule 20. When the Presiding Officer Is Active in Debate

If the mayor becomes active in debate on a particular proposal, he or she shall have the mayor pro tempore preside during the board's consideration of the matter. If the mayor pro tempore is absent or is also actively debating the matter, the mayor shall designate another member to preside until the matter is concluded. Similarly, if the mayor pro tempore or a temporary presiding officer is presiding and takes an active part in debating a topic, he or she shall designate another board member to preside temporarily.

Part VIII. Motions and Voting

Rule 21. Action by the Board

Except as otherwise provided in these rules, the board shall act by motion. Any member may make a motion, not including the mayor.

Rule 22. Second Required

A motion, other than a procedural motion pursuant to Rule 31, shall require a second.

Rule 23. One Motion at a Time

A member may make only one motion at a time.

Rule 24. Withdrawal of Motion

The member who introduces a motion may withdraw the motion unless the motion has been amended or the presiding officer has put the motion to a vote.

Rule 25. Debate

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has already spoken.
- To the extent practicable, the debate shall alternate between proponents and opponents of the measure.
- No member may speak more than twice on the same substantive motion. A member's first speech on a substantive motion shall be limited to 10 minutes, and any second speech on the same motion shall be limited to five minutes. The same rules apply to debate on a procedural motion, except that a member's first speech shall not exceed five minutes, and any second speech shall be limited to two minutes. The presiding officer shall be responsible for enforcing time limits. Additional speaking time for a member when requested may be allowed if so decided by a majority, not including the member speaking.

Rule 26. Adoption by Majority Vote

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

Rule 27. Changing a Vote

A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change his or her vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

Rule 28. Duty to Vote

(a) Duty to Vote. Every board member must vote except when excused from voting as provided by this rule.

(b) Grounds for Excusal. A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not if the proposal in question is one to alter the compensation or allowances paid to board members. Members may also be excused from voting when prohibited from voting under G.S. 14-234 (contract providing direct benefit to member), G.S. 160A-381(d) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member), or G.S. 160A-388(e)(2) (member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker). Questions about whether a basis for excusal exists should be directed to the town attorney.

(c) Procedure for Excusal.

(1) *At member's request.* Upon being recognized at a duly called meeting of the board, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.

(2) *On board's initiative.* Even when a member has not asked to be excused from voting on a matter, a majority of the remaining board members present may by motion and vote excuse the member from voting if grounds for doing so exist under paragraph (b).

(d) Consequence of Non-Excused Failure to Vote. Except as specified in paragraph (e), if a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote, provided

(1) the member is physically present in the board chamber or

(2) the member has physically withdrawn from the meeting without being excused by majority vote of the remaining members present.

(e) Failure to Vote on Certain Zoning Matters. A member's unexcused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement, or repeal a zoning ordinance. Instead, the member's unexcused failure to vote shall be recorded as an abstention.

(f) Mayor's Duty to Vote. The provisions of this rule apply to the mayor.

Rule 29. Voting by Written Ballot

(a) Secret Ballots Prohibited. The board may not vote by secret ballot.

(b) Rules for Written Ballots. The board may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member must sign his or her ballot, and the minutes must record how each member voted by name. The ballots must be made available for public inspection in the town clerk's office immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 30. Substantive Motions

A substantive motion is not in order if made while another motion is pending. Once the board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 31, Motion 14.

Rule 31. Procedural Motions

(a) Certain Motions Allowed. The board may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.

(b) Priority of Motions. The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that

- any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 12, and
- a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 9.

When several procedural motions are pending, voting must begin with the procedural motion highest in priority, provided that a motion to amend or end debate on the highest priority motion must be voted on

first.

Motion 1. To Appeal a Ruling of the Presiding Officer. Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

Motion 2. To Adjourn. This motion may be used to close a meeting. It may not interrupt deliberation of a pending matter. It is not in order if the board is in closed session.

Motion 3. To Recess to a Time and Place Certain. This motion may be used to call a recessed meeting as permitted under Rule 12. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the board is in closed session.

Motion 4. To Take a Brief Recess.

Motion 5. To Follow the Agenda. This motion must be made at the time an item of business that deviates from the agenda is proposed; otherwise, the motion is out of order as to that item.

Motion 6. To Suspend the Rules. To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least two-thirds of the board's actual membership, excluding vacant seats and not counting the mayor if the mayor votes only in case of a tie. The board may not suspend provisions in these rules that are required under state law.

Motion 7. To Divide a Complex Motion. This motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.

Motion 8. To Defer Consideration. The board may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the board votes to revive it pursuant to Motion 13 within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 9. To End Debate (Call the Previous Question). If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

Motion 10. To Postpone to a Certain Time. This motion may be employed to delay the board's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

Motion 11. To Refer a Motion to a Committee. The board may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the committee fails to report on the motion within 60 days of the referral date, the board must take up the motion if asked to do so by the member who introduced it.

Motion 12. To Amend.

(a) Germaneness. A motion to amend must concern the same subject matter as the motion it seeks to alter.

(b) Limit on Number of Motions to Amend. When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

(c) Amendments to Ordinances, Policies or Resolutions. Any amendment to a proposed ordinance, policy or resolution must be reduced to writing before the vote on the amendment.

Motion 13. To Revive Consideration. The board may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 8, provided it does so within 100 days of its vote to defer consideration.

Motion 14. To Reconsider. The board may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting during which the action to be reconsidered was taken and (b) by a member who voted with the prevailing side. For purposes of this motion, “the same meeting” includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the board’s deliberation on a pending matter.

Motion 15. To Rescind. The board may vote to rescind an action taken at a prior meeting provided rescission is not forbidden by law.

Motion 16. To Prevent Reintroduction for Six Months. This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion’s defeat. To be adopted, this motion must receive votes equal to at least two-thirds of the board’s actual membership, excluding vacant seats and not counting the mayor, unless the mayor may vote on all questions. If this motion is adopted, the ban on reintroduction remains in effect for six months or until the board’s next organizational meeting, whichever occurs first.

Part IX. Ordinances and Contracts

Rule 32. Introduction of Ordinances

For purposes of these rules, the “date of introduction” for a proposed ordinance is the date on which the board first votes on the proposed ordinance’s subject matter. The board votes on the subject matter of a proposed ordinance when it votes on whether to adopt or make changes to the proposed ordinance.

Rule 33. Adoption, Amendment, and Repeal of Ordinances

(a) Adoption of Ordinances.

- (1) *Proposed ordinances to be in writing.* No proposed ordinance shall be adopted unless it has been reduced to writing and distributed to members before a vote on adoption is taken.
- (2) *Adoption on date of introduction.* To be approved on the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least two-thirds of the board’s actual membership, excluding vacant seats and not counting the mayor, unless the mayor has the right to vote on all questions before the board.
- (3) *Adoption after date of introduction.* To be approved after the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least a majority of all board members not excused from voting on the matter. In calculating the number of affirmative votes necessary for approval, the board shall count the mayor if he or she votes on all questions. If the mayor votes only in the case of tie, the mayor’s vote counts if there is an equal division.

(b) Amendment and Repeal of Ordinances. The same voting requirements that govern the adoption of proposed ordinances also apply to the amendment or repeal of an ordinance.

Rule 34. Adoption of the Budget Ordinance

(a) Special Rules for the Adoption or Amendment of the Budget Ordinance. Notwithstanding any provision in the town charter, general law, or local act,

- (1) the board may adopt or amend the budget ordinance at a regular or special meeting of the board by a simple majority of those members present and voting, a quorum being present;
- (2) no action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the board; and
- (3) the adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

(b) Notice Requirements for Budget Meetings. During the period beginning with the submission of the budget to the board and ending with the adoption of the budget ordinance, the board may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as

- each member of the board has actual notice of each special meeting called for the purpose of considering the budget and
- no business other than consideration of the budget is taken up.

(c) No Authority for Closed Sessions. This rule shall not be construed to authorize the board to hold closed sessions on any basis other than the grounds set out in Rule 5.

Rule 35. Approval of Contracts and Authorization of Expenditures

(a) Contracts to be in Writing. No contract shall be approved or ratified by the town board unless it has been reduced to writing at the time of the board's vote.

(b) Approval of Contracts. To be approved or ratified, a contract must receive affirmative votes equal to at least a majority of all board members not excused from voting on the contract, including the mayor's vote in the event of a tie.

(c) Authorization of Expenditure of Public Funds. The same vote necessary to approve or ratify a contract is required for the board to authorize the expenditure of public funds, except when the expenditure is authorized pursuant to Rule 34.

Part X. Public Hearings and Comment Periods

Rule 36. Public Hearings

(a) Calling Public Hearings. In addition to holding public hearings required by law, the board may hold any public hearings it deems advisable. Public hearings required by law or deemed advisable by the board shall be organized by a special order that sets forth the subject, date, place and time of the hearing. The board may schedule hearings or delegate that responsibility to town staff members, as appropriate, except when state law directs the board itself to call the hearing. If the board delegates scheduling authority, it must provide adequate guidance to assist staff members in exercising that authority.

(b) Public Hearing Locations. Public hearings may be held anywhere within the town or within the county where the town is located.

(c) Rules for Public Hearings. A quorum of the board shall be required for all public hearings required by state law. The board may adopt reasonable rules for public hearings that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups of persons supporting or opposing the same positions,
- provide for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of a hearing subject to the open meetings law, for those excluded from the hall to listen to the hearing), and
- provide for the maintenance of order and decorum in the conduct of the hearing.

(d) Notice of Public Hearings. Any public hearing at which a majority of the board is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 9 through 12, apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with notice of the meeting during which the hearing will take place.

(e) Continuing Public Hearings. The board may continue any public hearing without further advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (g), if a quorum of the board is not present for a properly scheduled public hearing, the hearing must be continued until the board's next regular meeting without further advertisement.

(f) Conduct of Public Hearings. At the time appointed for the hearing, the mayor shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the board for the hearing. Unless the board extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the mayor shall entertain a motion to close the hearing, and the board shall resume the regular order of business.

(g) Public Hearings by Less Than a Majority of Board Members. Nothing in this rule prevents the board from appointing a member or members to hold a public hearing on the board's behalf, except when state law requires that the board itself conduct the hearing.

Rule 37. Public Comment Periods

Subject to waiver by an express resolution of the BOC, the following regulations shall apply and be enforced with respect to any public comment period at any regular or special meeting of the BOC.

(a) Frequency of Public Comment Periods. The board will provide the public an opportunity to comment on an agenda item at both regular and special meetings. The board must provide at least one opportunity for public comment each month at a regular meeting, except that the board need not offer a public comment period during any month in which it does not hold a regular meeting.

(b). Time and Location: Unless posted otherwise as required by law, the BOC convenes its monthly public hearings and regular meeting on the third Tuesday of each month at 5:00 p.m. at Town Hall.

The agenda will contain one or more items entitled "Public Comment Period." Typically, the Public Comments Periods will be titled Public Comments on Agenda Items and Public Comments on General Items. For special meetings, time and location will be provided at least 48 hours prior to the meeting as described in Rule 10. Public comment will be limited to those topics considered at the meeting.

(c) Sign-up Sheet: Any member of the Public who wishes to address the BOC as a speaker or as a spokesperson at a regular meeting for a group during Public Comments on Agenda Items must register on the sign-up sheet located at the Town Clerk's seat between 4:00 p.m. and 4:55 p.m. on the night of the meeting by listing his/her name, address, the name of any group for which he or she is a spokesperson, and comment topic(s).

The same procedure as described above will apply for special meetings, except registration on the sign-up sheet located at the Town Clerk's seat will be limited to the 30 minutes before the start of the session.

Speakers who wish to address the BOC under Public Comments on General Items are not required to register. The board may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the board's real or apparent jurisdiction.

(d) Speaking Order: Speakers and spokespersons will be called on in the order in which the names appear on the sign-up sheet. Each speaker or spokesperson will then proceed, one at a time in order of sign-up. Before beginning comments, each speaker or spokesperson will state his/her name and the name of any group for which he or she is the spokesperson.

(e) Time Allotted for Each Speaker: Each speaker will be allotted 3 minutes to comment during the designated public comment period or periods at any meeting, unless this speaker or spokesperson requests the time limit is extended, to no more than 6 minutes, on the sign-up sheet for agenda item comment or at the beginning of a comment on a general item, and the extension is acceptable to the majority of the BOC. To allow an opportunity for others to participate, each speaker or spokesperson shall have only one opportunity to speak during any comment period. Except for such designated comment periods, persons in attendance at any meeting shall not speak or otherwise interrupt the meeting, except with the consent of the BOC by majority vote.

(f) Written Comments: At the end of the allotted time, a speaker or spokesperson may also submit written comments to the Town Clerk, who will copy written comments to the mayor and all BOC members the following business day, if a sufficient number of copies is not provided by the speaker or spokesperson. A speaker's or spokesperson's comments may be summarized in the meeting minutes if a legible, written copy is not submitted to the Town Clerk, and all such written comments or materials shall be available as public records.

(g) Number of Speakers on Each Topic: It is recommended that large groups or delegations select their spokesperson in advance of sign-up.

(h) Topic Exclusions: Speakers or spokespersons will not comment on matters which concern: the candidacy of any person seeking public office, including the candidacy of the speaker or spokesperson;

(i) Address to the BOC: Speakers will address all comments to the BOC as a whole; and will not address or question one or more BOC members, the Mayor or any town staff members, officials and employees as individuals. Speakers will address members of the BOC, the Mayor, town staff

members, officials and employees and other members of the THB Public with courtesy and will not do or say anything that will interfere with the dignity and decorum of the meeting. Discussions between speakers or spokespersons and the audience will not be allowed, and no member of the BOC, the Mayor or any town staff members, official or employee will respond to the comments or questions of any speaker or spokesperson until after all speakers and spokespersons on the sign-up have completed their comments.

(j) Response to Comments: At the end of all speakers' and spokespersons' comments, any member of the BOC may request that the Town Manager (or his or her designee) respond to a concern raised by the speaker.

(k) Questions on Comments: At the end of all speaker's and spokesperson's comments, any member of the BOC may ask any speaker such questions as they might deem necessary and appropriate for clarification.

(l) Action by Board of Commissioners: Speakers and spokespersons should not expect BOC deliberation or action on any subject matter brought up during the Public Comment Period. Topics requiring further investigation will be referred to the Town Manager (or his or her designee), and may be scheduled for consideration as an agenda item during a future regular meeting.

(m) Monitoring and Enforcement. The Mayor or presiding officer shall act as the monitor for all public comment periods for the purpose of recognizing speakers and spokespersons from the sign-up list. The Town Clerk will enforce the time allotted to speakers or spokesperson, timing to begin after recording the speaker's name and address for the public record, by announcing "Time" when the allotted time expires.

Rule 38. Public Address to the Board

(a).Request to Address BOC. Any person or group who wishes to address the BOC pursuant to Rule 38 at any regular or special meeting shall submit a written request to the Town Clerk prior to the cutoff date for the agenda package (i) identifying the speaker or spokesperson, (ii) stating the subject matter of the proposed address, (iii) proposing the date of the meeting to be addressed (and explaining if the request is time sensitive), (iv) explaining why the subject matter cannot be adequately addressed during a public comment period, and (v) stating the time allotment requested.

(b).Invitation to Address BOC. The Mayor, any other member of the BOC or the Town Manager may submit a request on behalf of any person or group prior to the cutoff date for the agenda package. If the materials required for the agenda package noted in point (d) below are timely submitted, the address will be listed under the public hearing section of the agenda; otherwise, the address will be noted as a "pending request or invitation to address the BOC; in either case with all of the details required by point (c) below. When the speaker has been invited to address the BOC by the mayor, another member of the BOC or the Town Manager, the agenda shall name the official issuing the invitation.

(c). Speakers and Spokespersons Must be Listed on Approved Agenda. No speaker or spokesperson shall address the BOC at any regular or special meeting pursuant to Rule 5 unless: (i) the address is listed on the agenda for that meeting presented in the agenda package and approved by majority vote at the meeting; (ii) the agenda identifies the speaker or spokesperson, if he or she is a spokesperson identifies the group being represented, summarizes his or her credentials and summarizes the subject matter of the address; (iii) if the speaker is acting as the representative of another person or legal entity (for example, if the speaker is a lawyer representing a client) the agenda shall identify that person or entity; and (iv) the proposed time period has been allotted to the address.

(d). Agenda Package. No speaker or spokesperson shall address the BOC at any regular or special meeting unless the agenda package for that meeting includes a written copy or summary of his or her proposed remarks and copies of any materials he or she proposes to present as part of his or her address, or it is agreed between the speaker/spokesperson and Town representative before the draft agenda is finalized that the Town will receive either electronic or paper copies of presentations made at the meeting at which they are made.

(e). Approving Addresses or Presentations Listed on Proposed Agenda. By approving the agenda at a meeting by majority vote without change to any addresses listed in the public hearing section, the BOC will be deemed to have approved such requests or invitations. Subsequently, during the meeting, the BOC may by adoption of a motion adjourn prior to hearing the address, reduce the time allotted or suspend the address if the speaker or spokesperson departs from the subject matter or fails to adhere to the rules of decorum outlined in section (i), below.

(f). Approving Pending Requests or Invitations. The BOC shall vote on each pending request listed on the agenda. By motion, the BOC may approve a pending request or invitation for the current meeting or for a later meeting, defer or table consideration of the request or invitation or deny it. Unless otherwise specified by the motion, all pending requests and invitations approved for the current meeting will be added as the last items on the agenda, and requests and invitations approved for the later meetings will be added to the public hearing section of the tentative agenda for such meeting.

(g). No Assurance.

(h). Speakers or Spokespersons Invited by the Mayor. In the case of speakers or spokespersons invited by the Mayor (individually or with others), the Mayor will be deemed to have “joined the debate” and the Mayor Pro Tempore shall preside at the meeting during such address and any questions or comments by the BOC or others related to the address.

(i). Decorum. All speakers and spokespersons addressing the BOC pursuant to Rule 38 shall do so in a courteous, respectful and appropriate manner. By way of example, and without limitation, speakers and spokespersons shall address the BOC as a whole and shall not address remarks or

questions to the Mayor or any individual BOC member, shall not, without the consent by majority vote of the BOC answer questions or otherwise engage with the audience during the meeting, or use the address as an opportunity to campaign for office, solicit business or solicit donations.

(j). Time Limit. The presiding officer shall serve as monitor and enforcer for all addresses to the BOC, and shall announce "time" when the time period allotted on the agenda has expired. If the allotted time period is more than ten minutes, the Town Clerk will issue a "one minute warning." Without the consent by majority vote of the BOC, a speaker or spokesperson shall not continue beyond the allotted time period. At the conclusion of the address or any extension thereof, the BOC may, by majority consent allot an additional period of time for questions to the speaker or spokesperson from the BOC and/or, as specified by the BOC, from town officials or from the audience.

(k). Enforcement. The presiding officer of the meeting shall diligently and strictly enforce these rules with respect to all addresses by speakers and spokespersons pursuant to Rule 38. Any member of the BOC may (i) make a motion directing the presiding officer to require compliance with these rules and admonish the speaker, spokesperson or members of the audience, and, if non-compliance continues, (ii) make a motion to terminate the address, which shall be voted upon immediately and without debate.

Part XI. Appointments and Appointed Bodies

Rule 39. Appointments

(a) **Appointments in Open Session**. The board must consider and make any appointment to another body or, in the event of a vacancy on the board, to its own membership in open session.

(b) **Nomination and Voting Procedure**. The board shall use the following procedure to fill a vacancy in the board itself or in any other body over which it has the power of appointment. The mayor shall open the floor for nominations, whereupon board members may put forward and debate nominees. When debate ends, the mayor shall call the roll of the members, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast during a single balloting.

(c) **Mayor**. The mayor may make nominations and vote on appointments under this rule.

(d) **Multiple Appointments**. If the board is filling more than one vacancy, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No member may cast more than one vote for the same candidate for the same vacancy during a single balloting.

(e) **Duty to Vote**. It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so shall not invalidate a member's ballot.

(f) **Vote by Written Ballot**. The board may vote on proposed appointments by written ballot in accordance with Rule 29.

Rule 40. Committees and Boards

(a) Establishment and Appointment. The board may establish temporary and standing committees, boards, and other bodies to help carry on the work of town government. Unless otherwise provided by law or the board, the power of appointment to such bodies lies with the board.

(b) Open Meetings Law. The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the town's professional staff.

(c) Procedural Rules. The board may prescribe the procedures by which the town's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. In the absence of rules adopted by the Board, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.

Part XII. Miscellaneous

Rule 41. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with the town charter, any relevant statutes, and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the board's members, excluding vacant seats and counting the mayor only if the mayor may vote on all questions.

Rule 42. Reference to Robert's Rules of Order Newly Revised

The board shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the mayor shall make a ruling on the issue subject to appeal to the board under Rule 31, Motion 1.



BOARD AND COMMITTEE RULES OF PROCEDURE

Effective: February 17, 2022

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Applicability of Rules

These rules apply to all meetings of the Town boards and committees. For purposes of these rules, a meeting of the boards or committees occurs whenever a majority of the members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the boards and committees real or apparent jurisdiction. The term “majority” as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half. The term “board” or “boards” when used in this policy shall include all boards and committees and task forces of the Town of Leland unless otherwise stated.

1 Regular Meetings

Rule 1: Regular Meetings

Boards shall hold regular meetings in accordance with the annual schedule adopted by each board. A copy of the current meeting schedule for all boards shall be filed with the Town Clerk.

2 Special and Recessed or Adjourned Meetings

Rule 2: Special and Recessed or Adjourned Meetings

Special Meetings. The chair or a majority of the members may at any time call a special meeting of the board. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) given to each board member; (2) posted on the board’s principal bulletin board or, if none, at the door of the board’s usual meeting room; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk.

A special meeting may also be called or scheduled by vote of the board in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the board’s principal bulletin board or, if none, at the door of the board’s usual meeting room and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Such notice shall also be mailed or delivered at least forty-eight hours before the meeting to each board member not present at the meeting at which the special meeting was called or scheduled.

Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless (1) all members are present and (2) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

Recessed or Adjourned Meetings. A properly called regular or special, ~~or emergency~~ meeting may be recessed or adjourned to a time and place certain by a procedural motion made and adopted as provided in Rule 16(b), Motion 2, in open session during the regular or special, ~~or emergency~~ meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed or adjourned session of a properly called regular or special, ~~or emergency~~ meeting.

3 Organizational Meetings

Rule 3: Organizational Meeting

At the first regular meeting in July for both Planning and Parks and Recreation Boards, any newly appointed board members shall take and subscribe the oath of office as the first order of business. The second order of business for both Planning and Parks and Recreation Boards shall be to elect a chair and vice chair using one of the nomination and voting procedures set out in Rule 25.

Only members of the Planning and Parks and Recreation Boards shall take and subscribe the oath of office.

The other Committees shall elect a chair and vice chair at their first meeting after June 30 and shall be elected using one of the nomination and voting procedures set out in Rule 25. The chair for any other committee shall be appointed by the Board which oversees the committee.

4 Agenda

Rule 4: Agenda

Proposed Agenda. The Town Clerk shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least two working days before the meeting. Any board member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed orders, policies, regulations, and resolutions shall be attached to the proposed agenda. An agenda package shall be prepared that includes for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each board member shall receive a copy of the proposed agenda and the agenda package, and they shall be available for public inspection and/or distribution when they are distributed to the board members.

Adoption of the Agenda. As its first order of business at each meeting, the board shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. The board may by majority vote add items to or subtract items from the proposed agenda, except that the board may not add items to the agenda of a special meeting unless (a) all members are present and (b) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the board may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all board members.

The board may designate certain agenda items “for discussion and potential action.” Such designation means that the board intends to discuss the general subject area of that agenda item before making any motion concerning that item.

Open Meetings Requirements. The board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the board to understand what is being deliberated, voted, or acted on. However, the board may deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting. A member who is not physically present for a Council board or committee meeting may not participate in the meeting by electronic means.

5 Public Address to the Board

Rule 5: Public Address to the Board

The public comment portion of the agenda provides a time for members of the public to address the board. Any individual or group who wishes to address the board during a meeting shall first make a request to the Town Clerk to be placed on the agenda under the public comment portion of the agenda. Each speaker or group that makes such a request will be allotted a maximum of three minutes to address the board during the public comments portion of the board Meeting. Board members should refrain from engaging in a debate with speakers during public comment.

The board may, upon motion and an affirmative vote of the majority the Board Members present and voting, recognize an individual or group and allow the individual / group to speak outside of the public comment portion of the board meeting. In such instances, the recognized speaker or group shall limit comments to the item then under consideration by the board. Any comments made unrelated to the matter under consideration are out of order and the presiding Board member should note the same.

6 Order of Business

Rule 6: Order of Business

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- Call to Order
- Pledge of Allegiance
- Approval of the Agenda
- Approval of Minutes
- Public Comment
- Other Discussion
- Action Items
- Old/New Business
- Staff/Committee Monthly Reports
- Adjournment

By general consent of the board, items may be considered out of order.

7 Presiding Officer

Rule 7: Presiding Officer

The chair of the board shall preside at board meetings. The chair may vote in all cases. In order to address the board, a board member must be recognized by the chair. If the chair is absent, the vice-chair shall preside. If both the chair and vice-chair are absent, another member designated by vote of the board shall preside. If any member of the board determines another member continually seeks the floor and speaks out of turn, that member may be called to order and reminded of the proper rules of debate.

The presiding officer shall have the following powers:

- a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- b) To determine whether a speaker has gone beyond reasonable standards of courtesy in their remarks and to entertain and rule on objections from other members on this ground;

- c) To entertain and answer questions of parliamentary law or procedure;
- d) To call a brief recess at any time; and
- e) To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed may be appealed to the board upon motion of any member, pursuant to Rule 16, Motion 1. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

8 Action by the Board

Rule 8: Action by the Board

The board shall proceed by motion, except as otherwise provided for in Rules 3, 4, and 25. Any member, including the chair, may make a motion.

9 Second Required

Rule 9: Second Required

Each motion requires a second.

10 One Motion at a Time

Rule 10: One Motion at a Time

A member may make only one motion at a time.

11 Substantive Motions

Rule 11: Substantive Motions

A substantive motion is out of order while another substantive motion is pending.

12 Adoption by Majority Vote

Rule 12: Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 22 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

13 Voting by Written Ballot

Rule 13: Voting by Written Ballot

The board may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the board shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the Town Clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

14 Debate

Rule 14: Debate

The chair shall state the motion and then open the floor to debate. The chair shall preside over the debate according to the following general principles:

- The maker of the motion is entitled to speak first;
- A member who has not spoken on the issue shall be recognized before someone who has already spoken; and
- To the extent possible, the debate shall alternate between proponents and opponents of the measure.

15 Ratification of Actions

Rule 15: Ratification of Actions

To the extent permitted by law, the board may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

16 Procedural Motions

Rule 16: Procedural Motions

Certain Motions Allowed. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

Order of Priority of Motions. In order of priority (if applicable), the procedural motions are

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in their remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Motion 2. To Adjourn. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to adjourn to a time and place certain shall also comply with the requirements of Rule 2(c).

Motion 3. To Take a Brief Recess. Any member of the board may make a motion to take a brief recess for the purpose of causing the board to pause briefly in its proceedings.

Motion 4. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or it is waived.

Motion 5. To Suspend the Rules. The board may not suspend provisions of the rules that state requirements imposed by law on the board. For adoption, the motion requires an affirmative vote equal to a majority of the entire membership of the board. A majority is more than half.

Motion 6. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Motion 7. To Defer Consideration. The board may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has

been deferred, a new motion with the same effect cannot be introduced while the deferred motion (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion (Rule 16(b), Motion 14), or else move to suspend the rules (Rule 16(b), Motion 5).

Motion 8. Motion for the Previous Question. The motion is not in order until there have been at least 20 minutes of debate and every member has had an opportunity to speak once.

Motion 9. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules (Rule 16(b), Motion 5).

Motion 10. To Refer a Motion to a Committee. The board may vote to refer a substantive motion to a committee for its study and recommendations. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire board, whether or not the committee has reported the matter to the board.

Motion 11. To Amend.

- An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.
- A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.
- Any amendment to a proposed order, policy, or regulation shall be reduced to writing before the vote on the amendment.

Motion 12. To Revive Consideration. The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 16(b). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

Motion 13. To Reconsider. The board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the “no’s” prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

Motion 14. To Rescind or Repeal. The board may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

Motion 15. To Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the entire membership of the board. If adopted, the restriction imposed by

the motion remains in effect for six months or until the next organizational meeting of the board, whichever occurs first.

17 Renewal of Motion

Rule 17: Renewal of Motion

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

18 Withdrawal of Motion

Rule 18: Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

19 Duty to Vote

Rule 19: Duty to Vote

Members who are absent from a meeting are considered absent and no vote of any kind is recorded for that absent member. If a member is absent at the beginning of a meeting but comes to the meeting before it adjourns, the clerk shall mark the member absent until such time as the member arrives at which point the member will be marked present. Every member physically present in the board chamber must vote unless excused by the remaining members of the board. A member who is physically present in the board chamber and wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members.

No member who is physically present in the board chamber shall be excused from voting except when:

- G.S. § 14-234: Voting will result in a criminal penalty,
- G.S. § 14-234.3 Local public officials participating in contracts benefiting nonprofits with which associated,
- G.S. § 160A-75: The matter before the board/committee involves your official conduct or personal financial interest,
- G.S. § 160A-381(d): The matter before the board/committee is a zoning map or text amendments, and the vote is reasonably like to have a direct, substantial, or readily identifiable financial impact on you,
- G.S. § 160D-109 Legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member,
- G.S. § 160D-109 Member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker, and
- The board is applying adopted policies to individual situations (hearing an appeal of a zoning ordinance, granting variances to a zoning ordinance, or granting a conditional use permit), and you have a fixed opinion on the matter, you have had secret communication with someone who may be affected by the decision, have a family or business relationship with someone who may be affected by the decision, or have a financial interest in the outcome of the decision,

Questions about whether a basis for excusal exists should be directed to the Town Attorney.

In all other cases, a failure to vote by a member who is physically present in the board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be

recorded as an affirmative vote.

Once Excused. Any member excused from voting shall step down from the dais and exit the meeting room until such time as the matter necessitating the excusal is no longer under consideration.

20 Special Rules of Procedure

Rule 20: Special Rules of Procedure

The boards, committees and task forces may not adopt their own special rules of procedure. Each board or committee shall include a Council Liaison, a member of the Town Council, who is appointed by the Mayor. The Council Liaison attends the meetings and reports back to Council all happenings and outcomes of the meeting. The Council Liaison will not take part in board or committee debates, nor any vote taken during the meeting. If the board or committee has a question for the Town Council, the Chairman shall make a request to staff that they report such matters to the Council. In cases where the Councilmembers are considered active members of a board, committee or task force, the rules set forth herein limiting the participation of a Council Liaison shall not apply.

21 Quorum

Rule 21: Quorum

A majority of the actual membership of the board excluding vacant seats shall constitute a quorum. A majority is more than half. The chair shall be considered a member of the board in determining the number on which a majority is based and in counting the number of members actually present. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

22 Public Hearings

Rule 22: Public Hearings

Public hearings required by law or deemed advisable by the board shall be organized by a special order that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The special order is adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker (three minutes); providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to board meetings shall also apply to public hearings at which a majority of the board is present; such a hearing is considered to be part of a regular or special meeting of the board. These requirements also apply to hearings conducted by appointed or elected committees of board members, if a majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the board, or of a board committee, as applicable, is present.

At the time appointed for the hearing, the chair or his or her designee shall call the hearing to order and

then preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

23 Minutes

Rule 23: Minutes

Full and accurate minutes of the board or committee proceedings shall be kept by the Town Clerk. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the board, the entire board shall be polled by name on any vote. Members' and other persons' comments may be included in the minutes if the board approves.

Minutes of proceedings of the board or committee which have not been fully approved by the board or committee, and which are considered in "draft" form will only be furnished upon request. When formally approved by the board or committee, such minutes shall be published and available for review by the public.

24 Broadcasting and Recording Meetings

Rule 24: Broadcasting and Recording Meetings

Right to Broadcast and Record. Any person may photograph, film, tape-record, or otherwise reproduce any part of a board or committee meeting that must take place in open session. Except as provided in the "Alternative Meeting Site" section of this rule, any radio or television station may broadcast any such part of a board or committee meeting.

Equipment Placement. The Town Manager may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a board/committee meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the Town Manager determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the Town Manager may require the pooling of the equipment and the personnel operating it.

25 Appointments

Rule 25: Appointments

A board or committee may make appointments to a task force in open session. The board or committee may recommend an appointee to the Town Council for consideration of a vacant position on the board or committee.

The board shall use the following procedure to make appointments or recommendations to various other boards, committees, and task forces. The chair shall open the floor for nominations, whereupon the names of possible appointees may be put forward by the board members. The names submitted shall be debated. When the debate ends, the chair shall call the roll of the members, and each member shall cast his or her vote. Written ballots may be used as discussed in Rule 13.

The voting shall continue until one nominee receives a majority of the votes cast, whereupon he or she shall be appointed. If more than one appointee is to be selected, then each member shall have as many

votes in each balloting as there are slots to be filled, and votes from a majority of the members voting shall be required for appointment. During each balloting, a member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single candidate.

26 Committees and Boards

Rule 26: Committees and Boards

Establishment and Appointment. The board may establish and appoint members for such temporary and standing committees and boards as are required by law or needed to help carry on the board's work i.e., appoint a chairman if one is not present. Any specific provisions of law relating to particular committees and boards shall be followed.

Open Meetings Law. The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of a local governmental unit that are composed of two or more members and that exercise or are authorized to exercise legislative, policymaking, quasi-judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among a unit's professional staff.

27 Amendment of the Rules

Rule 27: Amendment of the Rules

These rules may only be amended by the Town Council unless a state statute provides otherwise.

28 Reference to Robert's Rules of Order

Rule 28: Reference to Robert's Rules of Order

Boards shall refer to the current edition of *Robert's Rules of Order Newly Revised*, to answer procedural questions not resolved in these rules, so long as *RRONR* does not conflict with North Carolina law or with the spirit of these rules.

29 Miscellaneous Matters

Rule 29: Miscellaneous Matters

All references contained in these rules to the "Town Clerk" shall include the Town Clerk and her/his designees.

These rules are taken from and based on "Suggested Rules of Procedure for Small Local Government Boards" by A. Fleming Bell, II and published by the UNC School of Government.

THESE RULES OF PROCEDURE WERE APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LELAND, N.C. AT A REGULAR MEETING HELD ON FEBRUARY 17, 2022.

Sabrena Reinhardt, Town Clerk
(SEAL)

