

CHAPTER 27

RULES AND PROCEDURES FOR THE TOWN OF PITTSBORO

BOARD OF COMMISSIONERS AND IT'S APPOINTED

BOARDS AND COMMISSIONS

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Appendix:

Permitted Procedural Motions in Order of Procedure

Bell, A. Fleming, II Suggested Rules of Procedures for a City Council. 3rd Edition 2000.

N. C. General Statutes 143-318.11
 143-318.(a)(3)
 160A-385
 160A-386

Roberts Rules of Order Newly Revised

- Chapter 27 -
Rules of Procedures for the Town of Pittsboro Board of
Commissioners and its Appointed Boards and Commissions

Article I Introduction

These Rules and Procedures for the operation of meetings of the Town Board of Commissioners and its appointed Boards are predicated on the following:

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.

Article II Rules of Procedure - Meetings

27 - 201. Regular Meetings

The Town Board of Commissioners, hereinafter the BOC, shall hold a regular meeting on the second and fourth 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 unless a substitute date is provided for by the BOC a regular meeting prior to the meeting date in conflict with a legal holiday. The meeting shall be held at the Town of Pittsboro Government Complex, located at 635 East Street, and shall begin at 7:00 PM. A copy of the BOC's current meeting schedule shall be filed with the Town Clerk. The Town of Pittsboro Planning Board shall meet on the first Monday of the month beginning at 7:30 PM in the Pittsboro Government Complex. The Town of Pittsboro Board of Adjustments shall meet on as needed bases on the first Monday of the month and begin a 7:00 PM at the above-mentioned location.

27 – 202 Special, Emergency, and Recessed [or Adjourned] Meetings

27 – 202.1 Special Meetings. The Mayor, the Mayor Pro Tempore, or any two members of the BOC may at any time call a special board 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 BOC 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.

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A special meeting may also be called or scheduled by vote of the BOC 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 BOC's principal bulletin board, or if none, at the door of the BOC'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 BOC 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 BOC determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

27 – 202.2 Emergency Meetings. Emergency meetings of the BOC may be called only because of generally unexpected circumstances that require immediate consideration by the BOC. 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 BOC.

(1) The Mayor, the Mayor Pro Tempore, or any two members of the Board 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 BOC 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.

27 – 202.3 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 Article IV, 27 – 401.2, 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.

27 - 203. Organizational Meeting

On the date and at the time of the first regular meeting in December following a general election in which BOC members are elected, or at an earlier date, if any, set by the incumbent BOC, 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 BOC shall elect 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. do so, the meeting is held on the date and at the time of the first items of "new business" on the agenda.

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27 - 301. Proposed Agenda.

The Town Manager or his/her designee 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 distribution of the agenda. Any member of the BOC 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 BOC 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 BOC members.

27 – 302 Adoption of the Agenda.

As its first order of business at each meeting, the BOC 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 BOC may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all BOC members. The BOC, may by majority vote, add items to or subtract items from the proposed agenda, except that:

- (a) the BOC 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 BOC members, unless those calling the meeting consent to the deletion;
- (b) the BOC 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 BOC members, unless all members are present, or those who are absent sign a written waiver of notice;
- (c) only business connected with the emergency may be considered at an emergency meeting. The BOC 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

27 – 303 Consent Agenda.

The BOC 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 non-controversial 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.

27 - 304 Open Meetings Requirements.

The BOC 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 BOC to understand what is being deliberated, voted, or acted on. The

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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.

27 – 305 Public Address to the Council

Any individual or group who wishes to address the BOC shall make a request to be on the agenda to the Town Manager or his/her designee. A request to be on the Agenda shall be in writing and be submitted to the Town Manager two working days prior to the distribution of the Agenda Packets to the BOC. However, the BOC shall determine at the meeting whether it will hear the individual or group.

27 – 306 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
- Citizens Matter not appearing as an agenda where no action is being requested by the Citizen addressing the BOC
- Unfinished agenda items from prior BOC meetings
- New agenda items from approved agenda
- Commissioners Concerns
 - Reports from Town Staff
 - Information Items

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

27 – 307 Office of Mayor

The Mayor shall preside at all meetings of the BOC 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 in her/his absence the Mayor Pro Temp shall serve as the presiding officer and 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 BOC upon motion of any member, pursuant to Article IV, 27- 401.1. 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.

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27 – 308 Office of Mayor Pro Tempore

At the organizational meeting, the BOC shall elect from among its members a Mayor Pro Tempore to serve at the BOC's pleasure. A BOC member who serves as Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a BOC member for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the BOC 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 her or his office, the BOC 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 BOC concurs, the Mayor shall resume the exercise of her or his powers and duties. If both the Mayor and Mayor Pro Tempore are absent from a meeting, the BOC may elect from among its members a temporary chairman to preside at the meeting.

Article IV – Procedure Motions

27 – 401 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.

27 – 402 Order of Priority of Motions.

In order of priority (if applicable), the procedural motions are:

27 – 402.1 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.

27 – 402.2 To Adjourn. This motion may be made only at the conclusion of BOC 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).

27 – 402.3 To Take a Brief Recess. 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)].

27 – 402.4 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.

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27 - 402.5 To Suspend the Rules. The BOC may not suspend provisions of the rules that state requirements imposed by law on the BOC. For adoption, the motion requires a vote equal to majority of the actual membership of the BOC, excluding the mayor, and vacant seats.

27 – 402.6 To Go into Closed Session. The BOC may go into closed session only for one or more of the permissible purposes listed in N. C. 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 N. C. 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 N.C.G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the BOC expects to receive advice during the closed session, if in fact such advice is to be received.

27 – 402.7 To Leave Closed Session. 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.

27 – 402.8 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.

27 – 402.9 To Defer Consideration. The BOC 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 Article IV, 27-401.14, or else move to suspend the rules Article IV, 27-401.5.

27 – 402.10 Motion for the Previous Question. The motion is not in order until there have been at least ten minutes of debate or every member has had an opportunity to speak once.

27 – 402.11 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 Article IV, 27-401.5.

27 – 402.12 To Refer a Motion to a Committee. The BOC 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 BOC, whether or not the committee has reported the matter to the BOC. If the BOC does not desire to use committees, this motion would unnecessary.

27 – 402.13 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

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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 at the direction of a BOC member.

27 – 402.14 To Revive Consideration. The BOC may vote to revive consideration of any substantive

motion earlier deferred by adoption of a motion contained in Article IV, 27-402.9. 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.

27 – 402.15 To Reconsider. The BOC 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. The Board can reconsider an action taken at the last meeting if brought up by a member voting in the affirmative.

27 – 402.16 To Rescind or Repeal. The BOC 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.

27 – 402.17 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 majority of the actual membership of the BOC 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 BOC, whichever occurs first.

27 – 402.18 – Appendix

The appendix contains permitted procedural motions in Order of Precedence

27 – 403 Renewal of Motion

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

27 – 404 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.

27 – 405 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

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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 BOC Meeting Room, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

Article V - 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.

27 – 501 Generally.

An affirmative vote equal to a majority of all the members of the BOC 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 Town. 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 majority of all the actual membership of the BOC, excluding vacant seats, and not including the Mayor. No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

27 – 502 Zoning Protest Petitions.

An affirmative vote equal to three-fourths of all the members of the BOC 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). 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.

Article VI - Adoption of the Budget Ordinance

27 – 601 Notwithstanding the provisions of any Town of Pittsboro charter, general law, or local act:

27 – 601.1 Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the BOC by a simple majority of those present and voting, a quorum being present;

27 – 601.2 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

27 – 601.3 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 Town charter or local act concerning initiative or referendum.

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27 – 602 Submission of Budget

During the period beginning with the submission of the budget to the BOC and ending with the adoption of the budget ordinance, the BOC 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 BOC if it is otherwise prohibited by law from holding such a meeting or session.

Article VII - Special Rules of Procedure

27 – 701 This space reserved for future consideration regarding rules of procedures that may have a more direct application on meeting operations for the Town of Pittsboro.

Article VIII - Closed Sessions

27 – 801 The Board of Commissioners may hold Closed Sessions

The BOC may hold closed sessions as provided by law. The BOC 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 N. C. 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 N. C. 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 BOC 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.

Article IX - Quorum

27 – 901 Majority of Actual Membership

A majority of the actual membership of the BOC 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.

Article X - Public Hearings

27 - 1001 Public Hearing Required by Law.

Public hearings required by law or deemed advisable by the BOC 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 at five minutes subject to the discretion of the Mayor or the Presiding Officer;

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- (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.
- (e) spokespersons for both opponents and proponents of the issue shall prepare written positions and use allocated time to highlight their respective arguments.

27 –1002 Notice and Other Requirements.

All notice and other requirements of the open meetings law applicable to BOC meetings shall also apply to public hearings at which a majority of the BOC is present; such a hearing is considered to be part of a regular or special meeting of the BOC. These requirements also apply to hearings conducted by appointed or elected committees of the BOC, 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 Article II, 27-202, shall be followed in continuing a hearing at which a majority of the BOC is present.

27 – 1003 Board of Commissioners may Delegate.

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

27 – 1004 Call the Public Hearing to Order.

At the time appointed for the hearing, the Mayor, her or his, 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 public hearing

27 – 1005 Quorum at Public Hearing

A quorum of the BOC 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 BOC meeting without further advertisement.

Article XI - Minutes

27 – 1101 Full and Accurate Minutes.

Full and accurate minutes of the BOC 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 BOC, the “ayes” and “nos” upon any question shall be taken. Members’ and other persons’ comments may be included in the minutes if the BOC approves.

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Article XII – Appointments to the Planning Board and Board of Adjustments

27 – 1201 Appointments to The Planning Board and Board of Adjustments

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

27 – 1202 Mayor to Review Applications.

The Mayor shall not have a right to vote on appointments. The Mayor is responsible to the BOC to review applications to fill vacancies on appointed Boards and make recommendations to the Commissioners for their considerations and potential nomination.

27 – 1203 Procedure to make Appointments.

Rather than proceeding by motion, the BOC shall use the following procedure to make appointments to various other boards and offices: The Mayor shall open the floor for nominations, whereupon the names of possible appointees may be put forward by the BOC members. The names submitted 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.

Article XIII - Committees and Boards

27 – 1301 Establishment and Appointment.

The BOC or the Mayor, if the Mayor is delegated that power by the, may establish and appoint members for such temporary and standing Town committees and boards as are needed to help carry on the work of Town government and as requested to participate in county, regional and statewide board or committees. Any specific provisions of law relating to particular committees and boards shall be followed.

27 – 1302 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.

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Article XIV - Amendment of the Rules

27 – 1401 Amendment of 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 town charter, general law, and generally accepted principles of parliamentary procedure. Adoption of an amendment shall require an affirmative vote equal to or greater than majority of all the actual membership of the BOC, excluding vacant seats, and not including the Mayor.

Article XV - Reference to *Robert's Rules of Order Newly Revised*

15 – 1501 Reference to Roberts's Rules.

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 BOC shall refer to *Robert's Rules of Order Newly Revised*, to answer unresolved procedural questions.

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Appendix

Permitted Procedural Motions in Order of Precedence¹

Motion	Vote Required²	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 27-307, 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 27-202(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	Majority	The BOC 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 N. C. G.S. 143-318.11(a) and must be adopted at an open meeting. A motion based on N. C. 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 N. C. 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	Majority	None

		Complex Motion and Consider it by Paragraph	
9. To Defer Consideration	Majority	A substantive motion the consideration of which has been deferred expires <u>100</u> days thereafter unless a motion to revive consideration 27-401.14 is adopted. While a deferred motion remains pending, a new motion with the same effect cannot be introduced. CAUTION: Do not confuse with 27-401.11.	
10. Motion for the Previous Question	Majority	Not in order until there have been at least <u>20</u> minutes of debate, and (or) 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 27-401.9.	
12. To Refer a Motion to a Committee	Majority	<u>60</u> days or more after a motion is referred to a committee, the introducer may compel consideration of the measure by the BOC, regardless of whether the committee has reported the matter to the BOC.	
13. To Amend	Majority	(a) Amendments must be pertinent to the subject matter of the motion being amended. An amendment is not proper 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 <u>100</u> days after the day of a vote to defer consideration 27-401.9. Failure to adopt a motion as provided in 27-401.14 within the [<u>100</u>] 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).	

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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 for <u>Six</u> Months	four-fifths	In order immediately following defeat of a substantive motion and at no other time. If adopted, the restriction imposed by the motion remains in effect for <u>six</u> 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 27-401.13. 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 majority of the actual membership of the BOC, excluding the mayor, unless he or she may vote in all cases, and vacant seats.

