

Rules of Procedures and Code of Ethics for the Chatham County Board of Commissioners



PURPOSE

Well-organized and well-run public meetings offer Board members, residents', and the media to participate in civil discourse, understand proceedings, and make their opinions heard.

These Rules of Procedure help the Board of Commissioners understand their various responsibilities and promote civil discourse in all Board business.

It is important that public meetings be run in such a way as to facilitate participation for people with disabilities.

It is essential that the Clerk to the Board be able to record accurately the proceedings of the Board of Commissioners.

The following procedures have been developed to increase the efficiency and effectiveness of the meetings of the Chatham County Board of Commissioners. They are in no way intended or designed to hinder public participation or limit deliberations by the Board of Commissioners.

AUTHORITY

N.C. General Statute 153A-41 permits a board of county commissioners to adopt its own rules of procedure if they conform to "generally accepted principles of parliamentary procedure" and do not conflict with applicable law.

Rule 1: Open Meetings

The public policy of the State of North Carolina and Chatham County is that the hearings, deliberations, and actions of this Board and its committees be conducted openly. Except where specifically exempted as closed session identified in NC General Statute 143-318.11, the meetings of the Chatham County Board of Commissioners shall be open to the public, and any person may attend.

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Rule 2: Organization of the Board

On the first Monday in December following a general election in which County officers are elected, the Board of Commissioners shall meet at the regular meeting time and place.

The Board member who served as the Chair of the Board of Commissioners during the preceding year shall call the meeting to order, except if the Chair was not reelected, the duty shall fall to the Vice Chair.

In the case where neither the Chair or the Vice Chair were reelected, the duty shall fall to the members of the Board of Commissioners who have already been sworn in and shall be determined by seniority.

The newly elected members of the Board of Commissioners who are present shall take and subscribe to the oath of office as the first order of business.

As the second order, the Board of Commissioners shall elect a Chair and Vice Chair from its members.

Rule 3: Agenda Preparation.

The County Manager is responsible for the preparation of the agenda for each regular, special, and emergency meeting. In doing so, the County Manager may review the draft agenda with Chair and/or Vice-Chair prior to the final publication.

Each member of the Board of Commissioners shall be provided with a copy of the agenda prior to the meeting, and it shall be available for public inspection when it is distributed to the Board of Commissioners.

Accept as otherwise provided below, the Board of Commissioners shall confine their discussion and comments to only those items that appear on the agenda.

Matters may be added in the following ways:

- 1) Prior to approval of the agenda, a Commissioner, or the County Manager may ask that a matter be added to the agenda. A majority vote of the Board of Commissioners is required to add such matters to the agenda.
- 2) During Commissioner Reports, a Board Member may ask that a matter be placed on a future agenda. A majority vote of the Board of Commissioners is required to place such matters on a future agenda.

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Rule 4: Agenda Packet

The agenda packet shall include the agenda document, any proposed ordinances, or amendments to ordinances, and supporting documentation and information relevant to the agenda items.

The agenda packet will be emailed to the Board of Commissioners before the meeting and posted to the website.

Rule 5: Consent Agenda

To increase the efficiency and effectiveness of the Board of Commissioners meetings ~~and~~ while reserving valuable meeting time for deliberating on important issues, the Board of Commissioners shall use a consent agenda for non-controversial or routine items.

Items for inclusion within the consent agenda shall be reviewed and selected by the County Manager upon the recommendation of Staff.

Consent agenda items will be grouped together on the agenda and acted upon by one motion and vote of the Board of Commissioners.

During agenda review and approval, any Board member may remove items from the consent agenda and placed on the regular agenda, unless another member objects to the removal, in which case the item may only be removed from the consent agenda by majority vote by the Board of Commissioners.

In the minutes of the meeting, the Clerk to the Board of Commissioners shall record each of the items with separate votes indicated, as if each item was adopted separately.

Rule 6: Order of Business

Except where otherwise indicated, at regular meetings the Board of Commissioners may be organized in the following order:

- A) Work Session
- B) Call to Order
- C) Invocation or Moment of Silence
- D) Pledge of Allegiance
- E) Adoption of Agenda
- F) Consent Agenda
- G) Ceremonial Items, Presentation, and Recognitions
- H) Public Comment Session
- I) Public Hearings
- J) Board Priorities

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- K) Clerk to the Board Report
- L) County Manager Report
- M) Commissioners' Reports
- N) Adjournment

Without objection from other Board members, the Chair may call items in any order most convenient for the dispatch of business.

Rule 7: Powers Of the Chair

The Chair shall preside at all Board of Commissioners meetings. To address the Board of Commissioners, members of the Board, staff, and audience must be recognized by the Chair. The Chair shall have the following powers:

1. To rule on procedural matters. In doing so, the Chair may seek guidance from the County Attorney. Notwithstanding the forgoing, the Board of Commissioners may overrule the Chair by majority vote.
2. To determine whether a speaker who is addressing the Board of Commissioners during public comment or a public hearing has gone beyond the allotted time.
3. To call a brief recess.
4. To adjourn in an emergency.

Rule 8: Action by the Board of Commissioners

The Board of Commissioners shall proceed by motion. Any member, including the Chair, may make a motion. Motions shall be stated completely by the introducer. The Clerk to the Board may request that a motion be repeated for clarification.

Rule 9: Second Required

Except where otherwise indicated, a motion shall require a second.

Rule 10: One Motion at a Time

A Board member may make only one motion at a time.

Rule 11: Substantive Motion

A substantive motion, defined as any motion dealing with business of the Board of Commissioners, which is not a procedural motion, is out of order while another substantive motion is pending.

Rule 12: Adoption by Majority Vote

A motion shall be adopted if approved by a simple majority of the votes cast, unless a larger majority is required by law.

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Rule 13: Debate

The Chair shall state the motion, open the floor to debate, and preside according to these general principles:

1. The member making the motion or introducing the ordinance, resolution, or order shall be recognized to speak by the Chair first.
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken.
3. If possible, the debate shall alternate between opponents and proponents of the measure.

Rule 14: Procedural Motions

In addition to substantive motions, the procedural motions listed below shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption. In order of priority (if applicable), the procedural motions are:

1. To adjourn. The motion may be made only at the conclusion of action on a pending matter. It may not interrupt deliberation of a pending matter.
2. To recess.
3. To call to follow the agenda. The motion must be made at the first reasonable opportunity, or it is waived.
4. To suspend the rules.
5. To divide a complex motion and consider it by section.
6. To defer consideration of an item. A substantive motion whose consideration has been deferred may be considered after a motion to revive consideration is adopted. In any case, the substantive motion expires one hundred days from the date on which consideration is deferred.
7. To call the previous question. The motion is not in order until there has been at least fifteen minutes of debate, and every member has had one opportunity to speak.
8. To postpone consideration of an item to a certain time or day.

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9. To amend. An amendment to a motion must be germane to the subject of the motion, but it may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendment to a proposed ordinance shall be in writing.
10. To revive consideration. The motion is in order at any time within one hundred days of a vote deferring consideration.
11. To reconsider. The motion must be made at the same meeting where the original vote was taken, and by a member who voted with the prevailing side. It cannot interrupt deliberation on a pending matter but is in order any time before adjournment.
12. To prevent reconsideration for six months. The motion shall be in order only immediately following the defeat of a substantive motion, and if passed is valid only for six months or until the next regular election of County commissioners, whichever occurs first.

Rule 15: Withdrawal of a Motion

A motion may be withdrawn by the introducer at any time before the Chair puts the motion to a vote.

Rule 16: Duty to Vote

No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, G.S. 14-234.3, or G.S. 160D-109.

In all other cases except votes taken under G.S. 160D-601, a failure to vote by a member who is physically present in the 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.

The question of the compensation and allowances of members of the ~~council~~ Board of Commissioners is not a matter involving a member's own financial interest or official conduct.

Rule 17: Prohibition of Secret Voting

No vote may be taken by secret ballot. If the Board of Commissioners decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member.

These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, at which time they may be destroyed.

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Rule 18: Action by Reference

The Board of Commissioners shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted upon.

Rule 19: Introduction Of Ordinances

A proposed ordinance shall be deemed introduced at the first meeting at which it is on the agenda, regardless of whether it is actually considered by the Board of Commissioners, and its introduction shall be recorded in the minutes.

Rule 20: Adoption, Amendment or Repeal of Ordinances

To be adopted at the meeting where it is first introduced, an ordinance or an action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order, or another ordinance requiring a public hearing before adoption) must be approved by all members of the Board of Commissioners.

If the proposed measure is approved by a majority but not by all the members of the Board of Commissioners, or if the measure is not voted on at that meeting, it shall be considered at the next regular meeting of the Board of Commissioners. If it then or at any time thereafter within one hundred days of its introduction receives a majority of the votes cast, the measure is adopted.

Rule 21: Quorum

A majority of the Board of Commissioners membership shall constitute a quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by a majority vote of the remaining members, shall be counted as present for the purposes of determining whether a quorum is present.

Rule 22: Public Hearings

A. General

At the appointed time, the Chair shall call the hearing to order, preside over it, and, when appropriate, adjust speaker limits. When the allotted time expires, the Chair shall declare the hearing ended and the Board of Commissioners shall resume the regular order of business. A quorum of the Board of Commissioners must be present at all public hearings required by law.

Speakers shall adhere to the following guidelines:

1. During the public hearing the Board of Commissioners will hear comments from the public on the subject which the hearing was called.

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2. Speakers will be limited to three minutes and are encouraged to sign up in advance.
3. A member of the public wishing to speak will be recognized by the Chair or called on by the Clerk.
4. Speakers must state their name and address for the record.
5. The Clerk to the Board may serve as the official timekeeper.
6. Large groups of ~~citizens~~ residents may be asked to designate representatives of their group.

B. Zoning and Major Subdivision Applications

1. Applicability

These rules apply to:

- a. statutorily required public hearings before the Board of Commissioners on rezoning, conditional rezoning, and text amendment applications; and
- b. consideration by the Board of Commissioners of first plat approval for major subdivisions.

2. Order of Presentation

The order of presentation shall be as follows:

- a. County Staff shall present the request with sufficient detail to adequately describe the application, the location of the property affected, and any other matters relevant for consideration by the Board of Commissioners. Following the Staff presentation, the presiding officer shall open the hearing.
- b. The applicant and the applicant's agents shall have fifteen minutes total to present their request. At the conclusion of the presentation, Commissioners may ask questions of the applicant and the applicant's agents.
- c. Following the applicant's presentation, members of the public may speak in support of or in opposition to the application. Persons desiring to speak must register in advance of the hearing with the Clerk to the Board and will be called to speak in the order registered.
 - i. Speakers shall identify themselves prior to addressing the Board of Commissioners.
 - ii. Each speaker shall be limited to not more than two minutes.
 - iii. Speakers may not yield any portion of their allotted time to others.

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- iv. Speakers may also provide written copies of their presentation to the Clerk to the Board who shall make such copies available to each member of the Board of Commissioners.
 - v. Commissioners may ask questions of the speakers.
 - d. The applicant and the applicant's agents shall have five minutes of rebuttal.
 - e. At the conclusion of the hearing, the presiding officer shall entertain a motion to close the hearing or to continue the hearing to a specified Board of Commissioners meeting.
3. Additional Information
- Once a hearing is closed, individuals may not address the Board of Commissioners on the matter at subsequent Board of Commissioners meetings unless specifically asked to by the Board of Commissioners. This limitation shall not, however, limit the right of the applicant or individuals to provide written comments and other relevant material to the Clerk to the Board, the Board of Commissioners, or individual Commissioners.
4. Deviation
- The Board of Commissioners reserves the right to deviate from or vary the procedures, limitations, and requirements set forth in these rules, and any such deviation shall not be a basis for challenging the Board of Commissioners' decision regarding a zoning or subdivision application.

Note: These rules replace and supplant any previously adopted rules applicable to zoning public hearings and major subdivision plat applications.

C. Quasi-Judicial

The Board of Commissioners shall follow quasi-judicial procedures when applicable.

Rule 23: Public Comment

Public Comment periods held pursuant to G.S. 153A-52.1 shall be conducted as follows:

- 1. The Board of Commissioners will hold a 30-minute session for public comment session during each work session and regular meeting.
- 2. During this session the Board of Commissioners will hear comments from the public on any subject concerning county business.
- 3. Speakers will be limited to three minutes and are encouraged to sign up in advance.

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4. Individuals who sign up to speak, but who cannot because of time constraints, will be carried to the next meeting day and given priority.
5. A member of the public wishing to speak will be recognized by the Chair or called on by the Clerk.
6. Speakers must state their name for the record.
7. The Clerk to the Board may serve as the official timekeeper.
8. Large groups of residents may be asked to designate representatives of their group.

Rule 24: Accommodations for the Disabled.

1. When requested, visually and hearing-impaired residents should be seated as close as possible to the front of the room. There are also two assisted listening devices available for the courtroom.
2. All public notices and the agenda shall include a statement that the County will make all reasonable accommodations for people with disabilities, when requested through the Manager's Office 24 hours prior to the meeting.

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Code of Ethics

North Carolina General Statute §160A-86 requires the Board of Commissioners to adopt a code of ethics policy. The following is the adopted policy of the Board of Commissioners:

Preamble

The stability and proper operation of democratic representative government depends upon the continuing consent of the governed, upon the public confidence in the integrity of the government and upon reasonable exercise of the trust conferred by the people. Government decisions and policy must be made and implemented through proper channels and processes of the government structure. The purpose of this code is to establish guidelines for ethical standards of conduct for commissioners. It should not be considered a substitute for the law.

The Board of Commissioners must be able to act in a manner to maintain their integrity and independence and they must be responsive to the interests and needs of those they represent.

Commissioners serve in an important advocacy capacity in meeting the needs of their residents and should recognize the legitimacy of this role as well as the intrinsic importance of this function to the proper functioning of representative government.

At the same time, commissioners must, at times, act in an adjudicatory or administrative capacity and must, when doing so, act in a fair and impartial manner.

Commissioners must know how to distinguish these roles and when each role is appropriate, and they must act accordingly.

Commissioners must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents including avoiding the appearance of conflicts of interest.

Canon One: Commissioners Shall Obey the Law

Commissioners shall support the Constitution of the United States, the Constitution of North Carolina and the laws enacted by the Congress of the United States and the General Assembly.

Canon Two: Commissioners Should Uphold the Integrity and Independence of the Office

- A. Commissioners should demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all their public activities in order to inspire public confidence and trust in county government.

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- B. Commissioners should participate in establishing, maintaining, and enforcing, and should themselves observe, high standards of conduct so that the integrity and independence of their office may be preserved.
- C. The provisions of this Code should be construed and applied to further these objectives.

Canon Three: Commissioners Should Avoid Impropriety and the Appearance of Impropriety in All Their Activities

- A. It is essential that county government attract those residents who are best qualified and willing to serve. The Board of Commissioners have legitimate interests-economic, professional and vocational-of a private nature.
- B. Commissioners should not acquire, retain, or pursue private interests, economic or otherwise, when such action conflicts with their responsibility to the public or creates the appearance of such a conflict.
- C. Commissioners should respect and comply with the law and should conduct themselves at all times in a manner that promotes public confidence in the integrity of the office of county commissioner and of county government.
- D. Commissioners should not allow family, social, or other relationships to unduly influence their conduct or judgment and should not lend the prestige of the office of county commissioner to advance the private interests of others; nor should they convey or permit others to convey the impression that they are in a special position to influence them.
- E. Where there is a clear appearance of such undue influence, a commissioner should recuse themselves from voting on the matter or participating in its deliberations.

Canon Four: Commissioners Should Perform the Duties of the Office Diligently

Commissioners should, while performing the duties of the office as prescribed by law, give precedence to these duties over other activities.

In the performance of these duties, the following standards should apply:

- A. Legislative Responsibilities

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1. Commissioners should actively pursue policy goals they believe to be in the best interest of all residents within the parameters of orderly decision making, rules of the Board of Commissioners and open government.
2. Commissioners should respect the legitimacy of the goals and interests of other commissioners and should respect the rights of others to pursue goals and policies different from their own.

B. Adjudicative Responsibilities

1. Commissioners should be faithful to the general and local laws pertaining to the office and strive for professional competence in them. They should not be swayed by partisan interests, public clamor, or fear of criticism.
2. Commissioners should demand and contribute to the maintenance of fair, open and courteous proceedings before the Board of Commissioners and afford full opportunity for residents to be heard and to express their views.
3. Commissioners should be honest, patient, dignified and courteous to those with whom they deal in their official capacity, and should require similar conduct of their staff and others subject to their direction and control.
4. Commissioners should accord every person who is interested in a proceeding before the commission full right to be heard according to law.
5. Commissioners should dispose of the business of the county in a deliberate manner that assures that residents have meaningful knowledge of and input into their commissioners' decisions.

C. Administrative Responsibilities

1. Commissioners should require county employees to be aware of and carry out the State's Open Meetings and Public Records Laws.
2. Commissioners should conserve the resources of the county in their charge. They should employ county equipment, property, funds, and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.

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3. Commissioners should require county employees subject to their direction and control to observe the standards of fidelity and diligence that apply to commissioners as well as those appropriate for employees.
4. Commissioners should take or initiate appropriate disciplinary measures against a county employee for improper conduct.
5. Commissioners should exercise the power of employment only on the basis of merit, avoid favoritism and refrain from illegal discrimination and nepotism.
6. They should not approve compensation of employees beyond the fair value of services rendered.

Canon Five: Commissioners Should Conduct the Affairs of the Board in an Open and Public Manner

Commissioners should be aware of the letter and intent of the State's Open Meetings Law, should conduct the affairs of the Board of County Commissioners consistent with the letter and spirit of that law and consistent with the need to inspire and maintain public confidence in the integrity and fairness of county government and the office of county commissioner.

Consistent with this goal of preserving public trust, county commissioners should be aware of the need for discretion in deliberations when the lack of discretion would pose a clear threat to the resources of the county, to the reputation of current or potential county employees, to the integrity of other governmental processes or to other legitimate interests of the county.

Commissioners should only utilize closed meetings as allowed under the Open Meeting Law when absolutely necessary to carry out the intent and letter of those provisions.

Canon Six: County Commissioners Should Regulate Their Extra-Governmental Activities to Minimize the Risk of Conflict with Their Official Duties.

- A. Commissioners should refrain from financial and business dealings that tend to reflect adversely on the Board or on county government or to interfere with the proper performance of official duties.
- B. Commissioners should manage their personal financial interests to minimize the number of cases in which they must abstain from voting on matters coming before the Board.

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- C. Information acquired by county commissioners in their official capacity should not be used or disclosed in their personal or business financial dealings or for any other purpose not related to official duties.

Canon Seven: Commissioners Should Refrain from Political Activities Inappropriate to Their Office

- A. Commissioners have a civic responsibility to support good government by every available means, to continue to inform and educate the public about the affairs and processes of county government, and to make themselves available to residents of the county so that they may ascertain and respond to the needs of the community.

In doing so, commissioners may and should join or affiliate with civic organizations whether partisan or non-partisan, may and should attend political meetings, may and should advocate and support the principles or policies of civic or political organizations consistent with the Constitution and laws of the United States and North Carolina.

- B. Candidates for the office of county commissioner, including incumbents:
 - 1. Should inform themselves concerning the laws of this state with regard to campaigns, campaign finance and relevant disclosure requirements, conflict of interest provisions and other appropriate state and federal laws and should scrupulously comply with the provisions of such laws;
 - 2. Should maintain the dignity appropriate to the office, and should encourage members of their families to adhere to the same standards of political conduct that apply to commissioners;
 - 3. Should not make pledges or promises of conduct in office that they will not or cannot perform or would be illegal if they were performed;
 - 4. Should not misrepresent their identity, qualifications, present position, or other fact;
 - 5. Should avoid pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office: and
 - 6. Should refrain from personal or professional financial arrangements with fellow commissioners, appointed advisory board members or other elected and appointed county and municipal officials that could, or would appear to, unduly influence either party's conduct or judgment.

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Reference:

Adopted: February 21, 1994.

Revised: August 22, 1994: Rule 5A added and Rule 6 amended to include public input session.

Adopted: December 4, 2006: Code of Ethics Policy

Revised: April 20, 2020: Rule 27: Electronic Meetings

Revised: October 18, 2021: Rule 24 Zoning and Major Subdivision Applications

Revised: September 18, 2023: PURPOSE: Civil Discourse

Revised: April 15, 2024