

Differences Between Chatham County Rules of Procedure and SOG Suggested Rules of Procedure for the Board of County Commissioners

Rule No. and Title	Chatham County Rules of Procedure Text	Relevant SOG Rule No(s).	Differences Between Chatham County Rules of Procedure and SOG Suggested Rules of Procedure
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.	4: Meetings Be Open to the Public 5: Closed Sessions	• Instead of referring to NCGS § 143-318.11 as the only exemption, it refers to Rule 5, which discusses the reasons to enter closed session. Rule 5 restates certain parts of § 143-318.11, but not all, and also contains a catch-all phrase allowing closed session for any other basis permitted by law. • Rule 5 lists who may participate in a closed session. • Rule 5 also includes rules on motions for entering closed session and returning from closed session.
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	8: Organizational Meeting; Selection of Chair and Vice-Chair	• Has separate provisions that apply based on whether it is an odd or even year. • Even-year order of business: ○ Take oaths; ○ Elect chair and vice-chair; ○ Approve bonds.

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	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.		• Odd-year order of business: ○ Elect the chair and co-chair as the first order of business. • Presiding officer: outgoing chair unless the outgoing chair has lost seat, in which case the clerk presides.
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.	15: Agenda	• Draft Agenda: suggests that the clerk prepare, but acknowledges different practices among counties. • Does not include a review of the draft agenda with Chair or Vice-Chair prior to meeting. • Placing items on agenda: a Commissioner may request an item be placed on the agenda within a certain number of days before the

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	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.		meeting. If the request is timely, the clerk must add it to the agenda. • Board can add <u>and subtract</u> agenda items from agenda with the majority vote of the members present, except for additions limited by statute. • Allows for designation of items “for discussion and possible action.”
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.	15(a)(2) & (3)	• Very similar to Chatham County Rule 4, but includes a deadline (suggests 24-hours before the meeting) on when the agenda and agenda packet should be delivered to the Board.

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	The agenda packet will be emailed to the Board of Commissioners before the meeting and posted to the website.		
5: Consent Agenda	To increase the efficiency and effectiveness of the Board of Commissioners meetings 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	15(c)	Allows one Board member to request to have item moved from the consent agenda to unfinished business prior to the adoption of the agenda, and the request must be honored by the Board.

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	separate votes indicated, as if each item was adopted separately.		
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 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.	18: Order of Business	Similar to Chatham County: • Adoption of agenda, • Approval of consent agenda, • Approval of previous meeting minutes, • Public hearings, • Public comments, • Administrative reports, • Committee reports, • Unfinished business, and • New business.

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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.	19: The Chair	• Includes provision addressing voting by the Chair. • Gives the Chair the authority to determine whether a member or speaker has gone beyond standards of courtesy in remarks and entertain and rule on objections from other members on this ground. (County Attorney Note: The recent Court of Appeals decision in <i>State v. Barthel</i> suggests that the Board has a very limited ability to restrict the content of speakers.) • Includes in the Chair's authority (in addition to ruling on procedural matters) entertaining and answering questions of parliamentary procedure. • Includes a provision allowing members to appeal decisions or answers of the Chair on procedure and rulings on whether a speaker has gone beyond standards of courtesy.
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	22: Action by the Board	Same as Chatham's rule, except notes that there are exceptions to the when the Board proceeds by motion.

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	introducer. The Clerk to the Board may request that a motion be repeated for clarification.		The three exceptions are: • Member changing vote, • Voting by written ballot, and • Proceeding by nomination when filling vacancies of the Board or appointed bodies.
9: Second Required	Except where otherwise indicated, a motion shall require a second.	23: Second Not Required	• Does not require a second for a vote. • In comments, notes that a second is generally required but posits that a second should not be required for small boards as one member is 20% of the Board.
10: One Motion at a Time	A Board member may make only one motion at a time.	24: One Motion at a Time	Same as Chatham's 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.	31: Substantive Motions	• In addition to Chatham's rule, also directs that once the Board disposes of a dispositive motion, it cannot take a motion that presents essentially the same issue at the same meeting, unless the Board adopts a motion to reconsider.

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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.	27: Adoption by Majority Vote	• In addition to Chatham's rule, notes that a quorum must be present.
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.	26: Debate	• Same as Chatham's rule, and also notes the possibility of limiting Board members to speaking only twice on an issue, and of limiting length of first and second speeches to a certain number of minutes.
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:	32: Procedural Motions	• Very similar to Chatham's rule, except also includes motions to: ○ Appeal a ruling of the presiding officer. ○ Recess to a certain time and place. ○ Refer a motion to a committee. ○ Rescind.

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	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.		The motion to prevent reintroduction requires affirmative votes equal to a least a quorum of the Board to pass.

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	8. To postpone consideration of an item to a certain time or day. 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 the 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.		

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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.	25: Withdrawal of Motion	Similar to Chatham's rule and adds that a motion may not be withdrawn if has been amended.
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 Board of Commissioners is not a matter involving a member's own financial interest or official conduct.	29: Duty to Vote	- Similar to Chatham's rule, and includes a procedure for excusing the member – either at the member's request or on the board's initiative. - Does not include a provision excepting votes taken under G.S. 160D-601.
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.	30: Voting by Written Ballot	Same substance as Chatham's rule.

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	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.		
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.	16: Acting by Reference to Agenda or Other Document	• Same as Chatham's 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.	33: Introduction of Ordinances	• Similar to Chatham's rule, but gives three options for defining the date of introduction: ○ Proposed ordinance appears on agenda, ○ Board actually considers proposed ordinance, and ○ Board votes on whether to adopt or make changes to the proposed ordinance.
20: Adoption, Amendment	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	34: Adoption, Amendment,	• Similar in substance to Chatham's rule, and includes sub-sections related to adoption of ordinances subject to public hearing

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or Repeal of Ordinances	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.	and Repeal of Ordinances	requirements. Also states that ordinance must be reduced to writing and distributed to members before the vote is taken.
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.	2: Quorum	Same as Chatham's rule, but also allows the Board to compel an absent member to attend by ordering the sheriff to take the member into custody.
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	36. Public Hearings	Includes provisions on: Calling public hearings.

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	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. 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 residents may be asked to designate representatives of their group. B. Zoning and Major Subdivision Applications		• Public hearing locations. • Notice of public hearings. • Rules for public hearings, which may include fixing the maximum time for speakers, allowing for the designation of spokespersons, providing for the selection of delegates if everyone cannot fit in the hearing room, and providing for maintenance of order and decorum in the conduct of the hearing. • Continuing public hearings. • Conduct of public hearings (similar to first paragraph in Chatham's rule). • Public hearings held by less than a majority of Board members (allowed, except when full Board required by state law).

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	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,		No specific rules for hearings on zoning and major subdivision applications.

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	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. 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.		

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	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		

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	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.		
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.	37: Public Comment Periods	• Following N.C.G.S. 153A-52.1, states that the Board must provide one opportunity for public comment each month at a regular meeting. • Allows the Board to adopt rules for public comment periods, which may include fixing the maximum time for speakers, allowing for the designation of spokespersons, providing for the selection of delegates if everyone cannot fit in the hearing room, and providing for maintenance of order and decorum in the conduct of the hearing. • Prohibits restriction of speakers based on subject matter, as long as the comments

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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.		relate to subjects within the Board's jurisdiction.
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 accommodation for people with disabilities, when requested through the Manager's Office 24 hours prior to the meeting.		No corresponding rule in SOG Suggested Rules of Procedure.

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			SOG Suggested Rules of Procedure also include the following rules, which do not have a corresponding rule in the Chatham County Rules of Procedure: • Rule 1: Applicability of Rules • Rule 3: Remote Participation in Board Meetings • Rule 6: Meeting Minutes • Rule 7: Broadcasting and Recording Meetings • Rule 9: Terms of the Chair and Vice Chair • Rule 10: Regular Meetings • Rule 11: Special Meetings • Rule 12: Emergency Meetings • Rule 13: Recessed Meetings • Rule 14: Limited Authority to Meet Outside the County • Rule 17: Agenda Items from Members of the Public • Rule 20: Presiding Officer in the Chair's Absence • Rule 21: When the Presiding Officer is Active in Debate • Rule 28: Changing a Vote • Rule 35: Adoption of the Budget Ordinance • Rule 38: Appointments and Appointed Bodies • Rule 39: Committees and Boards

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			• Rule 40: Amendment of Rules • Rule 41: Reference to <i>Robert's Rules of Order Newly Revised</i>