

# **Rules of Procedure for the Chatham County Board of Commissioners**

## **PURPOSE**

Well-organized and well-run public meetings offer Board members, citizens, and the press a greater opportunity to understand proceedings and make their opinions heard. In addition, with the mandates of the Americans with Disabilities Act (ADA), it is important that public meetings be run in such a way as to facilitate participation from the disabled. Third, Rules of Procedure help orient new Board members to the procedures of the Board. Finally, it is essential that the Clerk to the Board be able to record accurately the proceedings of the Board. With these considerations in mind, 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.

## **AUTHORITY**

N.C. General Statute 153-41 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.

## ***Open Meetings***

**Rule 1:** 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 "executive session matters" by state law, the meetings of the Chatham County Board of Commissioners shall be open to the public, and any person may attend.

## **Organization of the Board**

**Rule 2:** On the first Monday in December following a general election in which County officers are elected, the Board 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 who are present shall take and subscribe the oath of office as the first order of business. As the second order, the Board shall elect a chair and vice chair from its members.

## **Agendas**

**Rule 3: Agenda Preparation.** The Clerk to the Board of County Commissioners shall prepare the agenda for each regular, special, and emergency meeting. A request to have an item of business placed on the agenda for a regular meeting, along with any supporting material, must be received by the Clerk at least two weeks before the meeting. In unusual circumstances, the Chair, Vice Chair, and/or County Manager may make exceptions to the deadline. Any Board member, by a timely request, may have an item placed on the agenda. The Board may, by majority vote, add an item to the agenda during its motion to approve the agenda.

**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 out on Thursday before the meeting and posted to the website.

**Rule 5: Consent Agenda.** For purposes of speeding up the business of the Board and reserving valuable Board time for deliberating on important issues by dealing quickly with routine items, the Board shall use a consent agenda. Items for inclusion within the consent agenda shall be selected by the Board Chair and Vice Chair upon the recommendation of the Agenda Review Committee. Only routine and non-controversial items will be considered eligible for inclusion within the consent agenda. Consent agenda items will be grouped together on the agenda and acted upon by one motion and vote of the Board of Commissioners. At the request of any Board member or citizen, items shall be removed from the consent agenda and placed on the regular agenda. In the minutes of the meeting, actions passed in the consent agenda will be recorded individually and in full. 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 5A: Public Input Session.** Following approval of the consent agenda, the Board of Commissioners shall hold at each Board meeting a 30 minute session for public input. During this session the Board will hear comments from the general public on any subject, Speakers will be limited to three minutes and are required to sign up in advance. Individuals who sign up to speak, but who cannot because of time constraints, will be carried to the next meeting day and given priority.

**Rule 6: Order of Business.** Except where otherwise indicated, at regular meetings the Board shall proceed to its business in the following order: The order is moved around at the request of the Chair and Vice Chair at the Agenda Review Meeting.

1. Approval of the agenda
2. Approval of the consent agenda
3. Public Input Session
4. Scheduled public hearings
5. Ceremonial items and presentations
6. Administrative reports
7. Other business
8. Items and reports from Board members

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

## ***CONDUCT OF DEBATE***

**Rule 7: Powers Of The Chair.** The Chair shall preside at all Board meetings. To address the Board, members of the Board, staff, and audience must be recognized by the Chair. The Chair shall have the following powers:

1. 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 Board members on this ground
2. To call a brief recess
3. To adjourn in an emergency

**Rule 8: Parliamentarian.** The Clerk to the Board or County Attorney shall rule on points of parliamentary procedure

**Rule 9: Action by the Board.** The Board 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 shall have the right to interrupt the Board and request that a motion be repeated.

**Rule 10: Second Required.** Except where otherwise indicated, a motion shall require a second.

**Rule 11: Nominations.** Nominations for appointments to boards and committees shall not require a second.

**Rule 12: One Motion at a Time.** A Board member may make only one motion at a time.

**Rule 13: Substantive Motion.** A substantive motion, defined as any motion dealing with business of the Board which is not a procedural motion, is out of order while another substantive motion is pending.

**Rule 14: 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.

**Rule 15: 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 16: 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.* The motion requires a vote equal to a quorum.
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 100 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 15 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.*
9. *To refer to a committee.* Sixty days after a motion has been referred to a standing or ad hoc committee appointed by the Board of Commissioners, the introducer may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the Board.
10. *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.
11. *To revive consideration.* The motion is in order at any time within 100 days of a vote deferring consideration.
12. *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.
13. *To prevent consideration for six months.* The motion shall be in order only immediately following the defeat of a substantive motion. It requires a vote equal to a quorum and is valid only for six months or until the next regular election of County commissioners, whichever occurs first.

**Rule 17: 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 18: Duty to Vote.** It is the duty of each member to vote unless excused by a majority vote according to law. The Board may excuse members from voting on matters involving their own financial interest or official conduct. A member wishing to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

**Rule 19: Prohibition of Secret Voting.** No vote may be taken by secret ballot. If the Board 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.

**Rule 20: Action by Reference.** The Board 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 21: 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, and its introduction shall be recorded in the minutes.

**Rule 22: 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, or if the measure is not voted on at that meeting, it shall be considered at the next regular meeting of the Board. If it then or at any time thereafter within 100 days of its introduction receives a majority of the votes cast, the measure is adopted.

**Rule 23: Quorum.** A majority of the Board 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, he or she shall be counted as present for the purposes of determining whether a quorum is present. The Board may compel the attendance of an absent member by ordering the sheriff to take the member into custody.

**Rule 24: Public Hearings.** 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 shall resume the regular order of business. A quorum of the Board must be present at all public hearings required by law. Speakers shall adhere to the following guidelines: Applicants have a reasonable amount of time to speak. The general public has a three minute limit per speaker.

1. Prior to the beginning of the meeting, all persons wishing to address the Board of Commissioners during a public hearing should print his/her name on the appropriate speaker's list located outside the courtroom, unless a disability prohibits the person from doing so.
2. A member of the public wishing to speak must raise his/her hand and be recognized by the Chair, or called on by the Clerk.
3. Speakers must approach the podium and state their name - (we cannot require someone to give their address) for the record.  
The Clerk to the Board shall have the right to interrupt the speaker if this information is not given or is not clear. Persons prevented from approaching the podium by a disability may stay seated. The Chair shall designate a staff member to obtain the person's name .

4. Before allowing public comment, the Chair should ask for a show of hands from those members of the audience who wish to speak. Generally, comments will be limited to three minutes per speaker. The time allotted for speaking may be adjusted by the Chair. The Clerk to the Board shall serve as the official time keeper.

5. Large groups of citizens may be asked to designate representatives of their group.

**Rule 25: Public Comment.** Comments received by the public during the course of a meeting not in the context of a public hearing shall be made as follows:

1. A member of the public wishing to speak must raise his/her hand and be recognized by the Chair or called on by the Clerk.

2. Speakers must approach the podium and state their name and for the record. The Clerk to the Board shall have the right to interrupt the speaker if this information is not given or is not clear. Persons prevented from approaching the podium by a disability may stay seated. The Chair shall designate a staff member to obtain the person's name and.

3. Before allowing public comment, the Chair should ask for a show of hands from those members of the audience who wish to speak. Generally, comments will be limited to three minutes per speaker. The time allotted for speaking may be adjusted by the Chair. The Clerk to the Board shall serve as the official time keeper.

4. Large groups of citizens may be asked to designate representatives of their group

## **Rule 26: Accommodations for the Disabled.**

1. When requested, visually and hearing impaired citizens 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 the disabled, when requested through the Manager's Office 24 hours prior to the meeting.

Adopted the 21st day of February, 1994.

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

**Rule 27: Electronic Meetings.** The Chatham County Board of Commissioners recognizes that Article 33C of Chapter 143 of the North Carolina General Statutes contemplates that official meetings of public bodies, such as the Chatham County Board of Commissioners, may take place by electronic means. In fact, §143-318.10(d) of the North Carolina General Statutes states that an official meeting is, "a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body." The Rules of Procedure for Electronic Meetings are a guide for how the Chatham County Board of Commissioners will conduct meetings featuring electronic participation.

1. Meetings to Which These Rules Apply: These Rules of Procedure for Electronic Meetings ("Electronic

Rules”) shall apply only to meetings of the Chatham County Board of Commissioners. Citizen advisory committees may operate under a separately adopted policy pertaining to electronic meetings and advisory committees established by the Chatham County Board of Commissioners. The Electronic Rules are supplemental to the Rules of Procedure approved by the County Board of Commissioners for its meetings. Electronic Meetings can take place for any regular, special, or emergency meeting of the Chatham County Board of Commissioners, subject to the conditions governing the use of Electronic Meetings.

2. **Conditions Necessary for Electronic Meetings:** The Chatham County Board of Commissioners agrees that electronic meetings will only be permitted when any of the following entities declare that a state of emergency or a disaster exists in an area including Chatham County: the federal government of the United States of America; the Government of the State of North Carolina through the Governor of the State of North Carolina or other method permitted by Chapter 166A of the North Carolina General Statutes; or Chatham County, North Carolina. The state of emergency declaration or disaster declaration must be related to a distinct event that reasonable persons can agree directly affects the Chatham County (for example, a determination that an emergency exists under the National Emergencies Act related to piracy conducted by Somali pirates would not reasonably be related to Chatham County and cannot support use of electronic meetings). If no state of emergency or disaster exists, then the Electronic Rules may not be used.
3. **Definition of an Electronic Meeting:** An Electronic Meeting is any meeting where one or more members of the Chatham County Board of Commissioners participates through telephonic communication, or a telecommunications application which allows simultaneous communication by multiple parties, or other similar means that allows the members of the County Board of Commissioners to hold a meeting without all members being physically present in the same room.
4. **Notice of Electronic Meeting:** If an Electronic Meeting is necessary, a public notice of the electronic meeting shall be sent as part of any notice required by North Carolina General Statutes §143-318.12. The public notice, in addition to the information required by North Carolina General Statutes §143-318.12, shall provide:
  - a. The location of the physical meeting (which is where any member of the County Board and Staff able to attend the meeting in person shall gather); and
  - b. The location of where a member of the public, member of the media, or others, may listen to the Electronic Meeting in accordance with § 143-318.13 of the North Carolina General Statutes.

The notice shall be provided in the manner required by Article 33C of Chapter 143 of the North Carolina General Statutes. If the Electronic Meeting is being used for any part of a regular meeting that is on the meeting schedule adopted by the County Board of Commissioners, then the information required above shall be provided in a separate notice to be provided in accordance with Article 33C of Chapter 143 of the North Carolina General Statutes. Any notice provided may also be posted on the Chatham County bulletin board, website and social media accounts, if possible.

5. **Quorum:** Members of the County Board of Commissioners present in person or electronically, shall be included in the calculation for determining if a quorum exists of the County Board. If a member of the County Board of Commissioners who participates electronically withdraws from the meeting, the rest of the meeting may be completed provided there is still a quorum of the Chatham County Board present either in person or electronically. Any electronically participating member of the Chatham County Board of Commissioners withdrawing from the meeting, intentionally or involuntarily, shall no longer be included for purposes of the quorum calculation.
6. **Process of Opening Meeting:** Immediately prior to opening the meeting, the Chair, Vice Chair, or other presiding officer shall communicate with the Board of Commissioner members(s) who is (are) participating electronically and ensure that he/she is prepared to go forward. From that time forward until the adjournment of the meeting, the communication line or application shall be kept open. At the start of the meeting, the Chair, Vice Chair, or presiding official shall state which members of the County Board of Commissioners are

participating electronically.

7. **Voting and Discussion:** Commissioners present for the meeting through electronic means are eligible to vote for all items considered by the County Board of Commissioners during the meeting. Commissioners will not be permitted to join a closed session if present for the meeting through electronic means. Commissioners present for the meeting through electronic means will not be permitted to participate or vote on any quasi-judicial matters coming before the Board of Commissioners. Also, a member voting must indicate verbally with a “yes,” “no,” “yea,” “nay,” “or “abstain” (when that is permitted) such that the County Clerk or her designee may record the vote. Prior to taking a vote on any issue, the Chair, Vice Chair, or other presiding officer shall inquire of the Commissioners participating electronically if he or she has been able to adequately monitor the discussion, including comments from the public, if any, and shall allow those Commissioner to make any comments he or she desires, if they chose to not avail himself or herself of the opportunity to discuss the matter before the vote. However, it is the responsibility of the member to gain the attention of the Chair or the presiding officer in order to be recognized for discussion. A Commissioner attending through electronic means that withdraws from the meeting without being excused from further attendance shall not be considered an affirmative vote on items before Board of Commissioners. If a Commissioner attending through electronic means withdraws from the meeting, intentionally or involuntarily, the Commissioner will not be counted as an affirmative or negative vote and shall no longer be included for purposes of the quorum calculation.
8. **Minutes:** The minutes of the meeting shall designate the name of each Commissioner who participated electronically, the nature of the electronic communication, and the duration of the Commissioner’s participation.
9. **Electronic Meeting Guidelines:** The Chatham County Board of Commissioners recognizes the variability of circumstances for each declared state of emergency. The Board also recognizes the evolving nature of technology and how it might be utilized during such times as states of emergency to transact public business while maintaining necessary levels of access of and transparency to the public. In consideration of these and other factors, the Chatham County Board of Commissioners empowers the County Manager, in collaboration with the Clerk to the County Board of Commissioners and Attorney to the County Board of Commissioners, to establish a set of electronic meeting guidelines, whenever necessary, to accommodate electronic meetings of the County Board of Commissioners during states of emergency that inhibit physical meetings of the Board. Such guidelines are to be consistent with this policy, State Statutes and other relevant legal requirements.