

Last Amended on April 20, 2015

RULES OF PROCEDURE

**UNION COUNTY, NORTH CAROLINA
BOARD OF COMMISSIONERS**

I. Applicability

Rule 1. Applicability of Rules. These rules apply to all meetings of the Board of Commissioners of Union County, North Carolina at which the board is empowered to exercise any of the executive, quasijudicial, administrative, or legislative powers conferred on it by law.

II. Open Meetings

Rule 2. Meetings to be Open.

(a) The public policy of North Carolina and of Union County is that the hearings, deliberations, and actions of this board and its committees be conducted openly.

(b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Union County Board of Commissioners shall be open to the public, and any person may attend.

© For the purposes of the provisions of these rules concerning open meetings, an official meeting of the board is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the board. However, a social meeting or other informal assembly or gathering together of the members of the board does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.

Rule 3. Closed Sessions.

(a) Notwithstanding the provisions of Rule 2, the board may hold a closed session and exclude the public only when a closed session is required:

1. To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes;

2. To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award;

3. To consult with an attorney employed or retained by the board in order to preserve the attorney-client privilege between the attorney and the board. General policy matters may not be discussed in a closed session and the board may not close a meeting that otherwise would be open merely because an attorney employed or retained by the board is a participant. The board may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, or administrative procedure. If the board has approved or considered a settlement in closed session, the terms of that settlement shall be reported to the board and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded;

4. To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body;

5. To establish, or to instruct the board's staff or negotiating agents concerning the position to be taken by or on behalf of the board in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract;

6. To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. The board may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the board or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action by the board making an appointment or discharge or removal shall be taken in an open meeting;

7. To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

(b) The board may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the board expects to receive advice during the closed session.

© Unless the motion to go into closed session provides otherwise, the county manager, county attorney, and clerk to the board shall attend the closed session. No other person shall attend the closed session unless invited by the board.

III. Organization of the Board

Rule 4. Organizational Meeting. 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 County Manager shall call the meeting to order and shall preside until a chair and a vice-chair are elected. If they have not already been sworn and inducted into office, the newly elected members of the board 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 and the chair and vice-chair shall take and subscribe the oath of office for their respective positions. As the third order, the board shall approve the bonds of the register of deeds, and the sheriff, and induct them and any other newly elected county officials into office. As the fourth order, the board shall approve the bonds of the County finance officer and tax collector.

Rule 5. Election of the Chair. The chair and vice-chair of the board shall be elected annually for a term of one year and shall not be removed from the office of chair unless he or she becomes disqualified to serve as a board member. The vice-chair shall act in the absence or disability of the chair. If the chair and vice-chair are both absent from a meeting of the board, the members present may choose a temporary chair.

IV. Regular and Special Meetings

Rule 6. Regular and Special Meetings.

(a) **Regular Meetings.** The board shall hold a regular meeting on the first and third Monday of each month. If a regular meeting day is a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting. Regular meetings shall be held at the Commissioners' Boardroom on the 1st Floor of the Union County Government Center and shall begin at 7:00 p.m. The board may change the place or time of a particular regular meeting or of all regular meetings within a specified period by resolution adopted, posted, and noticed at least seven days before the change takes effect. Such a resolution shall be filed with the clerk to the board and posted at or near the regular meeting place, and copies shall be sent to all persons who have requested notice of special meetings of the board. The board may adjourn a regular meeting from day to day or to a day certain until the business before the board is completed.

(b) **Special Meetings.** The chair or a majority of the members of the board may at any time call a special meeting of the board of commissioners by signing a written notice stating the time and place of the meeting and the subjects to be considered. The person or persons calling the meeting shall cause the notice to be delivered to the chair and each other member of the board or left at the usual dwelling place of each at least forty-eight (48) hours before the meeting and shall cause a copy of the notice to be posted on the courthouse bulletin board at least forty-eight (48) hours before the meeting. Only those items of business specified in the notice may be transacted

at a special meeting, unless all members are present or those not present have signed a written waiver.

(c) **Emergency Meetings.** If a special meeting is called to deal with an unexpected circumstance requiring immediate consideration, the notice requirements of this rule do not apply. However, the person or persons calling an emergency meeting shall take reasonable action to inform the other members and the public of the meeting. Local news organizations having requested notice of special meetings as provided in subsection (e) below, shall be notified of such emergency meetings by the same method used to notify board members. Only business conducted with the emergency may be discussed at the meeting.

(d) **Work Session and Committee Meetings.** The board may schedule work sessions, committee meetings, or other informal meetings of the board or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the board. A schedule of any such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings. Work session and other informal official meetings not held regularly are subject to the same notice requirements as special board meetings.

(e) **Sunshine List.** Any individual and any newspaper, wire service, radio station, and television station may file a written request with the clerk to the board of commissioners for notice of all special meetings of the board. Requests by individuals must be renewed by the last day of each calendar quarter and are subject to a \$10.00 Nonrefundable annual fee; requests by news organizations must be renewed annually by January 1 of each year and are not subject to any fee.

Rule 7. All Meetings Within the County. All meetings shall be held within the boundaries of Union County except as otherwise provided herein.

(a) A joint meeting with the governing board of any other political subdivision of this or any other state may be held within the boundaries of either subdivision as may be specified in the call of the meeting. At any such joint meeting, this board reserves the right to vote separately on all matters coming before the joint meeting.

(b) A special meeting called for considering and acting on an order or resolution requesting members of the General Assembly representing all or any portion of this county to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in Raleigh or other such place as stated in the call of the meeting.

(c) A retreat, forum, or similar gathering held solely for the purpose of providing members of the board with general information relating to the performance of their public duties; provided, however, that members of the board of commissioners shall not vote upon or otherwise transact public business while in attendance at such a gathering.

(d) A convention, association meeting or similar gathering; provided, however, that any such meeting may be held solely to discuss or deliberate the board's position concerning convention resolutions, elections of association officers and similar issues that are not legally binding upon the board of commissioners or its constituents.

Rule 8. Broadcasting and Recording of Meetings.

(a) Except as provided in this rule, any radio or television station may broadcast all or any part of an official board meeting required to be open to the public. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.

(b) Any radio or television station wishing to broadcast any portion of an official board meeting is requested to so notify the county manager no later than seventy-two hours before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site in the county courthouse is available, the county manager may require the news media to pool equipment and personnel.

V. Agenda

Rule 9. Agenda

(a) The Clerk to the Board of Commissioners, after consulting and meeting with the County Manager and the Chair and/or Vice Chair, shall prepare the agenda for each regular, special, and emergency meeting. The Chairman of the Board of Commissioners will consult with each commissioner prior to the agenda being completed. Any board member may, by a timely request, have an item placed on the agenda. A request by the public or staff to have an item on the agenda for a regular meeting must be received by the Clerk at least seven working days before the meeting date; provided however that under special circumstances and upon timely request, the County Manager or Clerk can grant an extension until 12:00 noon on Tuesday preceding the regular Monday meeting. In preparing an item for placement on the agenda, a board member may request that the County Manager provide information on the subject prepared by staff for distribution with the agenda packet.

(b) The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. Items without supporting documentation and background information will not be added to the agenda. A copy of the agenda packet shall normally be delivered to each board member at least seventy-two hours before the meeting. Documents in the agenda packet, with the exception of attorney-client privileged material and documents pertaining to closed session items, if not previously available for public inspection, shall become so when packets have been delivered to each board member or left at his or her usual dwelling.

(c) The board is discouraged from adding items to the agenda the night of the board meeting, however, the board may, by majority vote, add an item not on the agenda.

(d) Agenda items deemed to be routine matters which are appropriate for consideration by the board without discussion may be placed on a Consent Agenda which will be part of the agenda for that meeting. All items on the Consent Agenda are to be considered upon motion and without discussion. Provided, however, at any time prior to the vote on the motion, for the approval of the Consent Agenda, any board member may request that any one or more items be removed from the Consent Agenda. Any item removed from the Consent Agenda shall be considered at such time in the meeting as the chair shall deem appropriate or, upon a majority vote of the board members, it may be treated in the same manner as other items which the Board considers.

(e) All contracts and/or agreements will be included in the agenda for consideration by the Board of Commissioners and shall be executed by the chair or vice chair.

Rule 10. Informal Public Comments. In compliance with G.S. 153A-52.1, the board establishes the following policy for informal public comment at all regular meetings of the board. The clerk shall provide a sign-up sheet at the entry to the meeting room not later than thirty minutes prior to each meeting for persons who desire to address the board. The chair will recognize speakers in the order in which their names appear on the sign-up sheet. The purpose of the time for informal public comments is to allow for public input to the board on issues germane to Union County. It is not intended to compel board members or staff to answer questions in an impromptu manner without adequate opportunity for preparation or consideration. Action on issues raised during the comment period, if any, will be at the sole discretion of the board.

Each speaker must address the board from the lectern and begin their remarks by giving their name, stating whether they are residents of Union County, indicating the municipality within which they reside, if any, and stating the topic about which they intend to speak. Each speaker will have three (3) minutes to make remarks. A speaker may not yield any of his or her time to another speaker. Speakers may not discuss matters which are the subject of public hearings, and they must be courteous in their language and presentation. Restatements or repetitive comments by the same speaker, whether at the same or separate meetings, may be ruled out of order and terminated by the chair. Personal attacks will not be tolerated. Speakers may leave written comments and/or supporting documents, if any, with the clerk to the board.

If at the beginning of the public comment period, the chair determines that the time required to hear all speakers on the sign-up sheet would unduly disrupt the conduct of County business or cause undue inconvenience to citizens in attendance for other items on the agenda, the chair may require the designation of spokesman, or the selection of delegates, for groups of persons supporting or opposing the same positions. The chair may also move the period for public comment to some time later in the meeting.

Rule 11. Order of Business. At regular meetings, the board shall proceed to business in the following order:

1. Opening of Meeting
 - a. Invocation

- b. Pledge of Allegiance

- 2. Scheduled Public Hearings
- 3. Informal Public Comments
- 4. Additions, Deletions, and Adoption of Agenda
- 5. Consent Agenda
- 6. Old Business
- 7. New Business
- 8. Manager's Comments
- 9. Commissioners' Comments

Without objection, the chair may call items in any order most convenient for the dispatch of business.

VI. Conduct of Debate

Rule 12. Powers of the Chair. The chair shall preside at all board meetings. To address the board, a member must be recognized by the chair. The chair shall have the following powers:

- 1. To rule on points of parliamentary procedure, including the right to rule out of order any motion offered for patently obstructive or dilatory purposes;
- 2. 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;
- 3. To call a brief recess at any time;
- 4. To adjourn in an emergency

Rule 13. Chair's Right to Participate in Debate. The chair shall have the right to participate in the debate of matters before the board, provided that there is no objection from a board member. In the event of any objection to the chair participating in the debate, then the chair shall designate the vice-chair, or another member of the board to preside during the debate. The chair shall resume the duty to preside as soon as action on the matter is concluded.

Rule 14. Action by the Board. The board shall proceed by motion. Any member, including the chair, may make a motion

Rule 15. Second Not Required. A motion shall not require a second.

Rule 16. One Motion at a Time. A member may make only one motion at a time.

Rule 17. Substantive Motion. A substantive motion is out of order while another substantive motion is pending.

Rule 18. Adoption by Majority Vote. A motion shall be adopted if approved by a majority of the votes cast, unless otherwise required by these rules of North Carolina laws.

Rule 19. Debate. The chair shall state the motion and then open the floor to debate, presiding according to these general principles:

- (a) The member making the motion or introducing the ordinance resolution, or order may speak first.
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken.
- (c) If possible, the debate shall alternate between opponents and proponents of the measure.

Rule 20. Procedural Motions.

(a) In addition to substantive proposals, the procedural motions listed in subsection (b) of this rule, and not others, shall be in order. Unless otherwise noted, each motion is debatable, may as amended, and requires a majority vote for adoption.

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

1. *To Adjourn (not debatable).* 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 (not debatable).*
3. *To Call to Follow the Agenda (not debatable).* The motion must be made at the first reasonable opportunity or it is waived.
4. *To Suspend the Rules (not debatable).* The motion requires a vote equal to a quorum.
5. *To Divide a Complex Motion and Consider It by Paragraph (not debatable).*
6. *To Defer Consideration.* A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.

7. *To Call the Previous Question (not debatable).* The motion is not in order until there has been at least ten minutes of debate and every member has had one opportunity to speak.
8. *To Postpone to a Certain Time or Day.*
9. *To Refer to Committee.* Sixty days after a motion has been referred to committee, 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 reduced to writing.
11. *To Revive Consideration.* The motion is in order at any time within one hundred days of a vote deferring consideration. A substantive motion on which considerations has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.
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 Reconsideration 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 for six months or until the next regular election of county commissioners, whichever occurs first.

Rule 21. Renewal of Motion. A defeated motion may not be renewed at the same meeting.

Rule 22. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before the chair puts the motion to a vote.

Rule 23. Duty to Vote. It is the duty of each member to vote unless excused by a majority vote upon questions involving a member's own financial interest, the financial interest of a person in the member's immediate family, or a member's 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 24. 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, when they may be destroyed.

Rule 25. Action by Reference. The board shall not deliberate, vote, or otherwise take action upon 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 public body to understand what is being deliberated, voted, or acted upon. However, this subsection does not prohibit a public body from deliberating, voting, or otherwise taking 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 upon, are available for public inspection at the meeting.

Rule 26. Introduction of Ordinances, Resolutions, and Orders. A proposed ordinance shall be deemed introduced at the first meeting where 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 27. 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 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 one hundred days of its introduction receives a majority of the votes cast, the measure is adopted.

Rule 28. 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 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 29. Votes on Amendments to Zoning Ordinances. The board may at its option make a decision on amendments to Union County Land Use Ordinance in the meeting at which the public hearing is held if there were no opposition voiced to the petitions or shall make its decision at the next regularly scheduled meeting of the board.

Rule 30. Quorum at Public Hearings. A quorum of the board must be present at all public hearings required by law.

Rule 31. Minutes. Minutes shall be kept of all board meetings, with the exception of work sessions unless specifically requested by the board. Minutes of closed sessions shall be sealed by the Clerk, and shall not be open to the public until opened by order of the board. All other minutes of the board, once approved by the board shall be made available to the public for their inspection during normal business hours.

Rule 32. Appointments. The board shall use the following procedure to make appointments to fill vacancies in the board itself or in other boards and public offices over which the board has power of appointment.

Upon receipt of notification that the board has vacancies to fill, the Clerk shall make reasonable efforts to notify the public of the vacancies to be filled. The notification to the public may include any of the following: (1) the posting of a public notice of the vacancies to be filled by the board on the main bulletin board of the Union County Government Center; (2) the publication of a notice to be published once in a newspaper of general circulation in Union County, said publication to take place not less than seven (7) days, nor more than thirty (30) days prior to the date of the meeting at which the board will consider filling the vacancy (3) the running of a notice on local cable television; (4) such other reasonable notification designed to notify the public that the board is considering the filling of a vacancy. The notice shall advise the public of the nature of the vacancies to be filled by the board at a particular meeting, and shall invite members of the public to submit applications for the vacancies. The applications shall be made available by the Clerk, and shall be in such form as has been approved by the board. In order to be considered at a given meeting, the application must be received in the office of the Clerk to the Board not later than 5:00 p.m. on the Tuesday preceding the meeting.

The chair shall open the floor to nominations, whereupon the members shall put forward and debate names of possible appointees. After the debate, the chair shall call the names of each nominee, in the order of their nomination, and each member of the board shall vote. The first nominee to receive a majority of the votes of the members of the board present shall be appointed. In the event that there shall be more than one position open for appointment on a given board, then the chair shall continue to call the names of the nominees, in the order of their nomination, until all positions are filled.

Rule 33. Reference to *Robert's Rules of Order*. To the extent not provided for in, and not conflicting with the spirit of, these rules, the chair shall refer first to "***Suggested Rules of Procedure for the Board of County Commissioners***" and ***Robert's Rules of Order*** to resolve procedural questions.