

**Title III Chapter 30
Town Government**

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GENERAL PROVISIONS

§30.01 Governing Body

- (A) The governing body of the town shall consist of a Mayor Council form of government consisting of a Mayor and a Board of Commissioners of five members.
- (B) The governing body shall be charged with the general government and administration of the affairs of the town.
- (C) The Board shall serve four year, staggered terms with two members and the Mayor (re)elected the first two years and three members (re)elected two years subsequently. ('79 Code, section 2-1001) (Am. Ord. passed 4-10-01)
- (D) Statutory Reference: Board to organize town government, G.S. section [160A-146]

§30.02 Powers and Duties

- (A) The powers and duties of the governing body shall be set out in the general statutes of North Carolina, the Town Charter and the ordinances of the town. ('79 Code, section 2-1002).

§30.03 Mayor

- (A) The Mayor shall be the chief executive officer of the town, as such, shall perform the following duties:
 - (1) Keep himself informed as to the town's business.
 - (2) Preside over the meetings of the Board of Commissioners.
 - (3) Sign all contracts, ordinances, resolutions, franchises and all other documents as authorized by the Board.
 - (4) Appoint all committees and outline their duties, under the general direction of the Board
 - (5) Make recommendations to the Board concerning the affairs of the town, as he deems necessary.
 - (6) Represent the town at ceremonies and other official occasions.
 - (7) Perform other duties as authorized by the general statutes, the town Charter and this code. ('79 Code, section 2-1003).

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(8) Statutory Reference: Duties of the Mayor, [G.S. section 160A-69]

§30.04 Mayor Pro Tem

(A) At the first meeting after their election, the Board shall select one of their number to act as Mayor Pro Tem. Mayor Pro Tem shall have no fixed term of office, but shall perform all the duties of the Mayor in the Mayor's absence or disability. ('79 Code, section 2-1004)

(B) Statutory Reference: Mayor Pro Tem, [G.S. section 160A-70]

§30.05 Powers over Employees

(A) The Board of Commissioners shall have the authority to generally organize and supervise the employees of the town, including the power to:

- (1) *Prescribe rules.* Prescribe rules and regulations as it shall deem necessary or expedient for the conduct of administrative employees subject to its authority and shall have the power to revoke, suspend or amend any rule or regulation.
- (2) *Investigate.* Either by itself or any officer or person designated for the purpose by it, investigate and examine or inquire into the affairs or operation of and department, division or employee; and shall have the power to employ consultants and professional counsel to aid in investigations, examinations or inquires.
- (3) *Overrule officials.* Set aside any action taken by a town administrative official and may supersede him in the functions of his office.
- (4) *Delegate duties.* Direct any official, department, division or employee to perform the work for any official, department, division or employee.
- (5) *Provide for administrative committees.* Designate committees as should find necessary for the proper consideration of administrative problems. The committees shall meet at the request of the Board and shall make recommendations on matters referred to them as they shall find necessary for the best interest of the town.
- (6) *Summon Employees.* Require any employee of the town to appear before and report to the Board at any meeting. ('79 Code, § 2-1005)
- (7) Statutory Reference: Authority of the Board to adopt personnel regulations, [G.S. § 160A-64] to conduct investigations, [G.S. § 160A-80]

§30.06 Committees Appointed by Mayor

(A) Committees shall, unless otherwise ordered, be appointed by the Mayor under the general direction of the Board.

(B) All reports of committees shall be **in writing and made available to the board of commissioners and public.**

(C) Committee members may receive such compensation for extra and special service as the Board may designate. ('79 Code, § 2-1006)

Comment: Per meeting of 2-26-01

§30.07 Responsibilities and Duties of Committees

(A) Each committee shall be held responsible for its respective department or the special; object for which it is appointed, and shall make such **as written** recommendations to the Mayor and the Board of Commissioners as it deems advisable. ('79 Code, § 2-10070).

Comment: Per meeting of 2-26-01

§30.08 See Ammendment

§30.09 Compensation

(A) The compensation of the Mayor and the Board ordained by ordinance, and as the same may be amended from time to time. ('79 Code, § 2-1009)

(B) Statutory Reference: Compensation of Mayor and Board members, [G.S. § 160A-64]

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Meetings and Procedure

Comment: This rules of procedure is based on material in *Suggested Rules of Procedure for a City Council*, 3d ed., by A. Fleming Bell II (Chapel Hill, N.C.: The Institute of Government, The University of North Carolina, 2000.)

§30.15 Meetings

(A) Failure to attend: Any member of the board or committee who is unable to attend a scheduled meeting shall notify the Town Clerk in advance of the meeting. The Town Clerk shall inform the board or committee as the first order of business of this absence.

(B) Regular meetings: The board of commissioners shall hold a regular meeting on the second ~~Tuesday~~ ~~first and third~~ ~~Monday~~ of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The Board from time to time may change the time, date or place of the meeting with a minimum of 48 hour notice to the general public or as otherwise dictated by GS or ordinance. The meeting shall be held at the Town of Calabash town hall located at 882 Persimmon road Calabash North Carolina and shall begin at 6:00 P.M [G.S. 160A-71]. A copy of the board of commissioners current meeting schedule shall be filed with the town clerk [143-318.12(a)].

Comment: This permits the meeting to be changed in special circumstances in order to better "fit" circumstances

(C) Special Meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered [G.S. 143-318.12(b)].

- (1) The mayor, the mayor pro tempore, or any two members of the board of commissioners may at any time call a special board of commissioners meeting. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be
 - a. Delivered to the mayor and each board of commissioners member or left at his or her usual dwelling place.
 - b. Posted on the board of commissioner's principal bulletin board, or if none, at the door of the board of commissioner's usual meeting room
 - c. Mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the city clerk. Alternatively, with the written request of the recipient, may be delivered by FAX or email.

Comment: According to the information presented in last Jan. No training sessions this is acceptable with permission of the recipient.

- (2) Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice[G.S. 160A-71(b)(1)]. Even in such a case, the board of commissioners shall only discuss or transact items of business not specified in the notice if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately and this item is approved by 2/3 vote of the commissioners.

Comment: Per meeting of 2-26-01 approved by a 2/3 vote of the members present.

(D) A special meeting may also be called or scheduled by vote of the board of commissioners in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be

- (1) Posted on the board of commissioner's principal bulletin board, or if none, at

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- the door of the board of commissioner's usual meeting room.
- (2) Mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the city clerk. Alternatively, with the written request of the recipient, may be delivered by FAX or email.
- (3) Mailed or delivered at least forty-eight hours before the meeting to each board of commissioners member not present at the meeting at which the special meeting was called or scheduled, and to the mayor if he or she was not present at that meeting.] [Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner, unless all members are present or those not present have signed a written waiver of notice, and the board of commissioners determines in good faith at the meeting that it is essential to discuss or act on the item immediately.]
- (E) Emergency meetings of the city board of commissioners may be called only because of generally unexpected circumstances that require immediate consideration by the board of commissioners. Only business connected with the emergency may be considered at an emergency meeting [G.S. 143-318.12(b)(3)]. One of the following two procedures must be followed to call an emergency meeting of the board of commissioners
- (1) The mayor, the mayor pro tempore, or any two members of the board of commissioners may at any time call an emergency board of commissioners meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each board of commissioners member or left at his or her usual dwelling place at least six hours before the meeting.
- (2) An emergency meeting may be held at any time when the mayor and all members of the board of commissioners are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the board of commissioners complies with the notice provisions of the next paragraph [G.S. 160A-71(b)].
- a. Notice of an emergency meeting under (1) or (2) shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire service's, or station's telephone number, with the city clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the board of commissioners members and shall be given at the expense of the party notified.
- b. Alternatively, with the written request of the recipient, may be delivered by FAX or email.
- (F) **Recessed [or Adjourned] Meetings.** A properly called regular, special, or emergency meeting may be recessed [or adjourned] to a time and place certain by a procedural motion made and adopted as provided in §30.22 (D) ~~2~~ **Rule 18, Motion 2**, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed [or adjourned] session of a properly called regular, special, or emergency meeting [G.S. 160A-71(b1)].
- (G) **Organizational Meetings** On the date and at the time of the first regular meeting in

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December following a general election in which board of commissioners members are elected, or at an earlier date, if any, set by the incumbent board of commissioners, the newly elected members shall take and subscribe the oath of office as the first order of **new** business [G.S. 160A-68(a) and (b)]. As the second order of **new** business, the board of commissioners shall elect a mayor, if he or she is not elected as such by the voters, and a mayor pro tempore. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes.

§30.16 Agenda

- (A) **Tentative Agenda** The town clerk shall prepare a tentative agenda for each agenda workshop. Items may, by a timely request, have an item placed on the tentative agenda. This tentative agenda shall be made available to each member of the board of commissioners at least one day prior to the agenda workshop.
- (B) **Agenda Workshop.** The meeting shall be held at the Town of Calabash town hall located at 882 Persimmon road Calabash North Carolina and shall begin at 4:00 P.M and be held on the first Tues. of the month except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day.
- (1) The tentative agenda will be discussed and adjusted by consensus of the members present.
 - (2) The agenda is fixed at the conclusion of the workshop and can only be adjusted in open meeting.
- (C) **Proposed Agenda.** The town clerk [city clerk] [chief administrative officer] shall prepare a proposed agenda for each meeting based on the adjustments made in the agenda workshop. ~~A request to have an item of business placed on the agenda must be received at least two working days before the meeting. Any board of commissioners member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed ordinances shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each board of commissioners member shall receive a copy of the proposed agenda and the agenda package and it shall be available for public inspection and distribution or copying when it is [they are] distributed to the board of commissioners members.~~
- (D) **Adoption of the Agenda.** As its first order of business at each meeting, the board of commissioners shall, as specified in ~~Rule 6~~ §30.19, discuss and revise the proposed agenda and adopt an agenda for the meeting. Agenda adjustments are only permitted if the board determines in good faith at the regular meeting that it is essential to discuss or act on the item immediately or the item is of a non-controversial nature and will require little board time. If items are proposed to be added to the agenda of a meeting, the board of commissioners may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all board of commissioners members.
- (1) The board of commissioners may by majority vote add items to or subtract items from the proposed agenda, except that (a) the board of commissioners may not subtract items from the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two board of commissioners members, unless those calling the meeting consent to the

Comment: Anybody can make the request.

Comment: Deleted, agenda works

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deletion.

- (2) The board of commissioners may not add items to the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two board of commissioners members, unless all members are present, or those who are absent sign a written waiver of notice, and (c) only business connected with the emergency may be considered at an emergency meeting.
- (3) The board of commissioners may add items to the proposed agenda of a special meeting only if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately and only by majority vote of the board..
- (4) The board of commissioners may designate certain agenda items “for discussion and possible action.” Such designation means that the board of commissioners intends to discuss the general subject area of that agenda item before making any motion concerning that item.

Comment: Per meeting of 2-26-01 Mayor Clemmons would prefer 2/3 but, with a five member board the cl are 20, 40, 60, 80 and 100% a minor could block the addition quite easily while the majority of the board was favor of the addition. Left as “majority by consensus of the committee.”

- (E) **Consent Agenda.** The board of commissioners may designate a part of the agenda as the “consent agenda.” Items shall be placed on the consent agenda by those preparing the proposed agenda if they are judged to be noncontroversial and routine. Any member may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.

§30.17 Open Meetings Requirements

- (A) The board of commissioners shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number, or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the board of commissioners to understand what is being deliberated, voted, or acted on [G.S. 143-318.13(c)].
- (B) The board of commissioners may, however, deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

§30.18 Public Address to the Board of commissioners [GS160A-81.1].

- (A) There will be a period for the public to address the board of commissioners at every regularly scheduled board meeting.
- (B) Any individual or group who wishes to address the board of commissioners shall make a request to be on the agenda to the town clerk ~~{chief administrative officer}~~. However, the board of commissioners shall determine at the meeting whether it will hear the individual or group.
 - (1) Anyone wishing to address the Board may sign up to do so at any time prior to the start of the meeting.
 - (2) Each speaker's time shall be limited to five minutes, provided that total time to be allocated to this segment does not exceed 30 minutes, if such appears likely each speaker's time will be adjusted accordingly.
 - (3) Speakers will be heard as early as possible on the agenda so that it will not be necessary for them to wait until the end of the meeting before being called.

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- (4) Anyone wishing to speak must first be recognized by the presiding officer and address the Board as a whole.
- (5) Town employees other than the Town Administrator and the Town Clerk are not required to attend Board meetings unless so directed by written request of the town administrator or the board.
- (6) It shall be the policy of this Board to also hear comments from the public if time permits at the end of the meetings, for a period of 15 minutes. Individual speakers will be limited to 3 minutes. Furthermore, the Commissioners will, of course make themselves available, informally, outside of meetings for individual comments from the public. *Adopted this the 13th day of January, 1998.*

Comment: Per meeting of 2-26-01 original "strike-through deleted and "written" added as clarification.

Comment: This, in part, is from a approved ordinance in "Town Policy"

§30.19 Order of Business

- (A) Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:
 - (1) Discussion and revision of the proposed agenda, including consent agenda; adoption of an agenda
 - (2) Approval of the minutes
 - (3) Public hearings
 - (4) Administrative reports
 - (5) Committee reports
 - (6) Unfinished business
 - (7) New business
 - (8) Informal discussion and public comment.
- (B) By general consent of the board of commissioners, items may be considered out of order.

§30.20 Office of Mayor

- (A) If the mayor is not elected as such by the voters, the board of commissioners shall, at the organizational meeting described in Rule 3, elect one of its members to serve as mayor [for a term certain] [at the board of commissioners pleasure]. The mayor shall preside at all meetings of the board of commissioners but shall have the right to vote only when there is a tie [G.S. 160A-69]. ~~and may vote in all cases~~. In order to address the board of commissioners, a member must be recognized by the mayor.
- (B) The mayor or other presiding officer shall have the following powers:
 - (1) To rule motions in or out of order, including any motion patently offered for 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 entertain and answer questions of parliamentary law or procedure;
 - (4) To call a brief recess at any time;
 - (5) To adjourn in an emergency.
- (C) A decision by the presiding officer under (1), (2), or (3) may be appealed to the board of commissioners upon motion of any member, pursuant to Rule 18(b) §30.22 (B), ~~Motion~~ (1). Such a motion is in order immediately after a decision under (1), (2), or (3) is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.
- (D) Office of Mayor Pro Tempore

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- (1) At the organizational meeting, the board of commissioners shall elect from among its members a mayor pro tempore to serve at the board of commissioner's pleasure [G.S. 160A-70].
 - (2) A board of commissioners member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a board of commissioners member for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the board of commissioners may confer on the mayor pro tempore any of the mayor's powers and duties.
 - (3) If the mayor should become physically or mentally unable to perform the duties of his or her office, the board of commissioners may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore.
 - (4) When a mayor declares that he or she is no longer incapacitated, and a majority of the board of commissioners concurs, the mayor shall resume the exercise of his or her powers and duties.
 - (5) If both the mayor and mayor pro tempore are absent from a meeting, the board of commissioners may elect from among its members a temporary chairman to preside at the meeting (G.S. 160A-70).
- (E) If the mayor or other presiding officer becomes actively engaged in debate on a particular proposal, he or she ~~may~~ **shall** designate another board of commissioners member to preside over the debate. The mayor or other presiding officer shall resume presiding as soon as action on the matter is concluded.

§30.21 Action by the Board of commissioners

- (A) The board of commissioners shall proceed by motion, except as otherwise provided for in §30.19 ~~Rule 4 and in Rule 31~~ §30.31. Any member may make a motion.
- (B) A motion shall ~~shall not~~ require a second.
- (C) A substantive motion is out of order while another substantive motion is pending.
- (D) A motion shall be adopted by a majority of the votes cast, a quorum as defined in ~~Rule 27~~ §30.26 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.
- (E) The board of commissioners may choose by majority vote to use written ballots in voting on a motion.
 - (1) Such ballots shall be signed, and the minutes of the board of commissioners shall show the vote of each member voting.
 - (2) The ballots shall be available for public inspection in the office of the city clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.
- (F) The mayor shall state the motion and then open the floor to debate on it. The mayor shall preside over the debate according to the following general principles:
 - (1) The maker of the motion is entitled to speak first;
 - (2) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
 - (3) To the extent possible, the debate shall alternate between proponents and opponents of the measure.
- (G) To the extent permitted by law, the board of commissioners may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

§30.22 Procedural Motions

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- (A) In addition to substantive proposals, only the following procedural motions, and no others, are in order.
- (B) Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption.
- (C) Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.
- (D) In order of priority (if applicable), the procedural motions are
 - (1) To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board of commissioners, as specified in §30.20 **Rule 7**. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.
 - (2) To Adjourn. This motion may be made only at the conclusion of board of commissioners consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess [or adjourn] to a time and place certain shall also comply with the requirements of §30.15 (E) **Rule 2(e)**.
 - (3) To Take a Brief Recess.
 - (4) Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.
 - (5) To Suspend the Rules. The board of commissioners may not suspend provisions of the rules that state requirements imposed by law on the board of commissioners. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the board of commissioners, excluding the mayor, unless he or she may vote in all cases, and vacant seats.
 - (6) To Go into Closed Session. The board of commissioners may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the board of commissioners expects to receive advice during the closed session, if in fact such advice is to be received.
 - (7) To Leave Closed Session.
 - (8) To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.
 - (9) To Defer Consideration. The board of commissioners may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires [100] days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A member who wishes to revisit the matter during that time must take action to

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- revive consideration of the original motion §30.22 (14) [Rule 18(b), Motion 14], or else move to suspend the rules §30.22 (5) [Rule 18(b), Motion 5].
- (10) Motion for the Previous Question. The motion is not in order until there have been at least 25 minutes of debate, and every member has had an opportunity to speak once.
 - (11) To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules §30.22 (5) [Rule 18(b), Motion 5].
 - (12) To Refer a Motion to a Committee. The board of commissioners may vote to refer a substantive motion to a committee for its study and recommendations. [Sixty] days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire board of commissioners, whether or not the committee has reported the matter to the board of commissioners.
 - (13) To Amend.
 - a. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.
 - b. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.
 - c. Any amendment to a proposed ordinance [order] [policy] [resolution] shall be reduced to writing before the vote on the amendment.
 - (14) To Revive Consideration. The board may vote to revive consideration of any substantive motion earlier deferred by adoption of §30.22 (9) Motion 9 of Rule 18(b). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.
 - (15) To Reconsider. The board of commissioners may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess [or adjournment] to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.
 - (16) To Rescind or Repeal. The board of commissioners may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.
 - (17) To Prevent Reintroduction for [Six] Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual membership of the board of commissioners excluding the mayor, unless he or she may vote in all cases, and vacant seats. If adopted, the restriction imposed

Comment: Per meeting of 2-26-01 average of five minutes per board member.

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by the motion remains in effect for **six** months or until the next organizational meeting of the board of commissioners, whichever occurs first.

- (18) Renewal of Motion; A motion that is defeated may be renewed at any later meeting unless a motion to prevent reintroduction has been adopted.
- (19) Withdrawal of Motion; A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

§30.23 Voting

(A) Duty to Vote

- (1) Every member must vote unless excused by the remaining members according to law.
- (2) A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members.
- (3) No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest or official conduct.
- (4) In all other cases, a failure to vote by a member who is physically present in the board of commissioners chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.(G.S. 160A-75).

(B) Introduction of Ordinances; A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the board of commissioners.

(C) Adoption of Ordinances and Approval of Contracts.

- (1) An affirmative vote equal to a majority of all the members of the board of commissioners not excused from voting on the question in issue (including the mayor's vote in case of an equal division) shall be required to adopt an ordinance, to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the city.
- (2) In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all the actual membership of the board of commissioners, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the board of commissioners.
- (3) No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

(D) Zoning Protest Petitions. An affirmative vote equal to three-fourths of all the members of the city board of commissioners shall be required for an ordinance making a change in a zoning regulation, restriction, or boundary to become effective, if a valid protest petition is received in accordance with the requirements set out in G.S. 160A-385(a) and G.S. 160A-386. This rule shall not apply in those cases excepted by G.S. 160A-385(a).

§30.24 Adoption of the Budget Ordinance

- (A) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the board of commissioners by a simple majority of those present and voting, a quorum being present;**
- (B) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the board of commissioners; and**

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- (C) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any city charter or local act concerning initiative or referendum.
- (D) During the period beginning with the submission of the budget to the board of commissioners and ending with the adoption of the budget ordinance, the board of commissioners may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as
 - (1) Each member of the board has actual notice of each special meeting called for the purpose of considering the budget, and
 - (2) No business other than consideration of the budget is taken up.
 - (3) This rule does not allow, and may not be construed to allow, the holding of closed meetings or executive sessions by the board of commissioners if it is otherwise prohibited by law from holding such a meeting or session.

§30.25 Closed Sessions

- (A) The board of commissioners may hold closed sessions as provided by law.
- (B) The board of commissioners shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session.
- (C) If the motion is based on G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential.
- (D) If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session.
- (E) The motion to go into closed session must be approved by the vote of a majority of those present and voting.
- (F) The board of commissioners shall terminate the closed session by a majority vote.
- (G) Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session (G.S. 143-318.11(a), G.S. 143-318.11(c), G.S. 143-318.11(a), G.S. 143-318.11(a)(3), .

§30.26 Quorum

- (A) A majority of the actual membership of the board of commissioners plus the mayor, excluding vacant seats, shall constitute a quorum. A majority is more than half. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.
- (B) Quorum at Public Hearings; A quorum of the board of commissioners shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular board of commissioners meeting without further advertisement (G.S. 160A-81).

§30.27 Public Hearings

- (A) Public hearings required by law or deemed advisable by the board of commissioners shall be organized by a special order (adopted by a majority vote) that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The rules may include, but are not limited to,

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- (1) Fixing the maximum time allotted to each speaker;
 - (2) Providing for the designation of spokespersons for groups of persons supporting or opposing the same positions;
 - (3) Providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing);
 - (4) Providing for the maintenance of order and decorum in the conduct of the hearing.
- (B) All notice and other requirements of the open meetings law applicable to board of commissioners meetings shall also apply to public hearings at which a majority of the board of commissioners is present; such a hearing is considered to be part of a regular or special meeting of the board of commissioners. These requirements also apply to hearings conducted by appointed or elected committees of the board of commissioners, if a majority of the committee is present. A public hearing for which any notices required by the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of §30.16 (D) **Rule 2(e)** shall be followed in continuing a hearing at which a majority of the board of commissioners is present.
- (C) The board of commissioners may vote to delegate to city staff members, as appropriate, the authority to schedule, call, and give notice of public hearings required by law or the board of commissioners. The board of commissioners shall provide adequate guidelines to assist staff members in fulfilling this responsibility, and it shall not delegate the responsibility in cases where the board of commissioners itself is required by law to call, schedule, or give notice of the hearing.
- (D) At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended, **shall entertain or make a motion to end the hearing.**

§30.28 Minutes

- (A) Full and accurate minutes of the board of commissioners proceedings, including closed sessions, shall be kept.
- (B) The board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired.
- (C) These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule.
- (D) The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the board of commissioners, the “ayes” and “nos” upon any question shall be taken.
- (E) Members’ and other persons’ comments may be included in the minutes if the board of commissioners approves.
- (F) Minutes and general accounts of closed sessions may be sealed by action of the board of commissioners. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session (G.S. 160A-72, G.S. 143-318.11(a)).

§30.29 Appointments

- (A) The board of commissioners may consider and make appointments to other bodies, including its own committees, if any, only in open session. The board of

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commissioners may not consider or fill a vacancy among its own membership except in open session.

- (B) The mayor shall not have a right to vote on appointments ~~[may vote on appointments]~~ that come before the board of commissioners.
- (C) Rather than proceeding by motion, the board of commissioners shall use the following procedure to make appointments to various other boards and offices:
 - (1) ~~[The appointment committee of the board of commissioners shall report on nominations received and reviewed, and make its appointment recommendations, if any.]~~
 - (2) The mayor shall ~~[then]~~ open the floor for nominations, whereupon the names of ~~[other]~~ possible appointees may be put forward by the board of commissioners members.
 - (3) The names submitted ~~[by the committee and]~~ by individual board of commissioners members shall be debated. When the debate ends, the mayor shall call the roll of the members, and each member shall cast his or her vote.
 - (4) [The nominee(s) receiving the highest number of votes shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled. A member must cast all of his or her votes and cast them for different nominees.]
 - (5) The voting shall continue until one nominee receives a majority of the votes cast, whereupon he or she shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes in each balloting as there are slots to be filled, and votes from a majority of the members voting shall be required for appointment. During each balloting, a member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single candidate.

§30.30 Committees and Boards

- (A) Establishment and Appointment. The board of commissioners or the mayor, if the mayor is delegated that power by the board of commissioners, may establish and appoint members for such temporary and standing city committees and boards as are needed to help carry on the work of city government. Any specific provisions of law relating to particular committees and boards shall be followed.
 - (1) The board or committee chairperson shall be selected by and from the membership of the board and shall be the presiding officer.
 - (2) A board vice-chairperson may be selected by and from the membership and shall be the presiding officer in the absence of the chairperson.
 - (3) The board presiding officer shall have to right to vote on issues that come before the board.
 - (4) The board or committee presiding officer shall assure that minutes of each meeting are maintained.
- (B) Special Rules of Procedure for town boards and committees
 - (1) Town boards shall follow these Rules of Procedure to the extent that the rules pertain to the board or committee function.
 - a. Planning and zoning board
 - b. Board of Adjustment
 - (2) ~~The board may adopt its own special rules of procedure, to be specified here.~~
- (C) Open Meetings Law. The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, board of commissioners, or other bodies of the city that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi judicial,

Comment: Refer to UDO Article II for structure and function

Comment: The UDO needs to def the meeting date, time and place for P&Z board.

Comment: Refer to UDO Article III for structure and function.

Comment: This would mean that quorum does not have to exist for th be an open meeting.

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administrative, or advisory functions. However, the law’s requirements shall not apply to a meeting solely among the city’s professional staff (G.S. 143-318.10(b) and (c)).

§30.31 Amendment of the Rules

- (A) These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the city charter, general law, and generally accepted principles of parliamentary procedure. Adoption of an amendment shall require an affirmative vote equal to or greater than two-thirds of all the actual membership of the board of commissioners, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the board of commissioners.
- (B) Reference to *Robert’s Rules of Order Newly Revised* To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the board of commissioners shall refer to *Robert’s Rules of Order Newly Revised, or Suggested Rules of Procedure for a City Council, 3d ed., by A. Fleming Bell II (Chapel Hill, N.C.: The Institute of Government, The University of North Carolina, 2000.* to answer unresolved procedural questions.

	Motion	Vote Required²	Special Requirements
1	To Appeal a Procedural Ruling of the Presiding Officer	Majority	Is in order immediately after the presiding officer announces a procedural ruling, as specified in Rule 7, and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.
2	To Adjourn	Majority	May not interrupt deliberation of pending substantive matter. Motion to [recess] [adjourn] to a time and place certain must also comply with Rule 2(c).
3	To Take a Brief Recess	Majority	None
4	Call to Follow the Agenda	Majority	Must be made at first reasonable opportunity, or the right to make it is waived for the out- of-order item in question.
5	To Suspend the Rules	Two-Thirds	The board of commissioners may not suspend provisions of the rules that state requirements imposed by law on the board of commissioners.
6	To Go into Closed Session	Majority	Motion must cite one or more of the permissible purposes for closed sessions listed in G.S. 143-318.11(a) and must be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) must also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318.11(a)(3) must identify the parties in each existing lawsuit concerning which the board of commissioners expects to receive advice during the closed session, if in fact such advice is to be received.
7	To Leave Closed Session	Majority	None
8	To Divide a Complex Motion and Consider it	Majority	None

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	by Paragraph		
9	To Defer Consideration	Majority	A substantive motion the consideration of which has been deferred expires [100] days thereafter unless a motion to revive consideration (Motion 14) is adopted. While a deferred motion remains pending, a new motion with the same effect cannot be introduced. CAUTION: Do not confuse with Motion 11.
10	Motion for the Previous Question	Majority	Not in order until there have been at least [20] minutes of debate, and every member has had an opportunity to speak once.
11	To Postpone to a Certain Time or Day	Majority	None. While a postponed motion remains pending, a new motion with the same effect cannot be introduced. CAUTION: Do not confuse with Motion 9.
12	To Refer a Motion to a Committee	Majority	[60] days or more after a motion is referred to a committee, the introducer may compel consideration of the measure by the board of commissioners, regardless of whether the committee has reported the matter to the board of commissioners.
13	To Amend	Majority	(a) Amendments must be pertinent to the subject matter of the motion being amended. An amendment is in-proper if adoption of the motion with that amendment added has the same effect as rejection of the original motion. A proposal to substitute a different motion shall be treated as a motion to amend. (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote. (c) Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.
14	To Revive Consideration	Majority	In order at any time within [100] days after the day of a vote to defer consideration (Motion 9). Failure to adopt Motion 14 within the [100] day period results in expiration of the deferred substantive motion.
15	To Reconsider	Majority	Must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail). May only be made at the meeting at which the original vote was taken, including any continuation of that meeting through [recess] [adjournment] to a time and place certain. Cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.
16	To Rescind or Repeal	Majority	Not in order if rescission or repeal of an action is forbidden by law.
17	To Prevent Reintroduction for [Six] Months	Two-Thirds	In order immediately following defeat of a substantive motion and at no other time. If adopted, the restriction imposed by the motion remains in effect for [six] months or until the next organizational meeting of the board of commissioners, whichever occurs first.