



City of Creedmoor

Board of Commissioners Rules of Procedure

Adopted February 4, 2020

**Rules of Procedure of the Creedmoor Board of Commissioners
(Adopted by Ordinance February 4, 2020)**

Rule 1. Applicability

These rules apply to all meetings of the Creedmoor Board of Commissioners. For purposes of these rules, a meeting of the Board occurs whenever a majority of the Board's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the Board's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

Rule 2. Regular Meetings; Time and Place

Unless otherwise designated by the Board, the Board shall hold a regular meeting on the first Tuesday of each month at 6:00 p.m. at City Hall. Every member of the Board and officers shall attend all meetings of the Board, unless excused.

Rule 3. Special, Emergency, and Recessed [or Adjourned] Meetings

- (A) **Special Meetings.** The Mayor, Mayor Pro Tempore, or any two members of the board may at any time call a special meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least forty-eight (48) 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 (1) delivered to the Mayor and each Board member or left at his or usual dwelling place; (2) posted on the Board's principal bulletin board; and (3) 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. 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 have signed a written waiver of notice. Even in such a case, the board 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.

A special meeting may also be called or scheduled by vote of the Board in open session during another duly called meeting. The motion or resolution called or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight (48) 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's principal bulletin board and (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. Such notice shall also be mailed or delivered at least forty-eight (48) hours before the meeting to each Board 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 determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

- (B) **Emergency Meetings.** Emergency meetings of the Board may be called only because of generally unexpected circumstances that require immediate consideration by the Board. Only business connected with the emergency may be considered at an emergency meeting. One of the following two procedures must be followed to call an emergency meeting of the Board:

- (1) The Mayor, Mayor Pro Tempore, or any two members of the Board may at any time call an emergency 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 member or left at his 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 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 complies with the notice provisions of the next paragraph.
 - (3) Notice of an emergency meeting under (B)(1) or (2) shall be given to each newspaper, wire service, radio station, and television station that has filed a written emergency meeting notice request, which include 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 members and shall be given at the expense of the party notified.
- (C) Recessed Meetings. Any meeting of the Board may be recessed from day to day, or for more than one day, but no recess shall be longer than until the next regular meeting thereafter. A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a procedural motion as provided in Rule 20, 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 session of a properly called regular, special, or emergency meeting.
- (D) Web Site Notice of Meetings. Notice of the Board's meetings shall be posted in the City of Creedmoor Web site in accordance with G.S. § 143-318.12.

Rule 4. Organizational Meeting

On the date and at the time of the first regular meeting in December following a general election in which Board members are elected, or at an earlier date, if any, set by the incumbent Board, the newly elected members shall take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution as the first order of new business. Each member's oath must be filed with the city clerk. Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe, and file the oath before he or she begins performing any of the duties of the member's office. As the second order of new business, the Board shall elect a Mayor Pro Tempore in accordance with Rule 9. 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.

Rule 5. Agenda

- (A) Proposed Agenda. The City Manager shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least seven days before the meeting. Any Board member may, by 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 packet 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 as the City Manager deems necessary. Each Board member shall receive a copy of the proposed agenda and agenda package and they shall be available for public inspection and distribution or copying when they are distributed to the Board members.

- (B) Adoption of the Agenda. As its first order of business at each meeting, the Board shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. If items are proposed to be added to the agenda of a meeting, the Board may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all Board members. The Board may designate an agenda item “for discussion and possible action.” The designation signifies that the Board intends to discuss the item and may, if it so chooses, take action on the item following the discussion.

The Board may by majority vote add items to or subtract items from the proposed agenda, except that (a) the Board 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 members, unless all members are present, or those who are absent sign a written waiver of notice, and (b) only business connected with the emergency may be considered at an emergency meeting. The Board 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.

- (C) Open Meetings Requirements. The Board 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 to understand what is being deliberated, voted, or acted on. The Board 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.

Rule 6. Presentation to the Board

Any individual or group who wishes to make a presentation to the Board apart from public comment time and scheduled public hearings shall make a request to be on the agenda to the City Manager or City Clerk. The Board shall endeavor to give all persons and groups wishing to make presentations to the Board the opportunity to do so, but the Board retains the right to limit the length of the presentation or to refuse to allow any person or group the opportunity to speak outside of public comment time and public hearings.

Rule 7. Order of Business

- (A) At the hour appointed for the meeting of the Board, the Mayor shall take the chair and direct a call of the members by the Clerk, who shall note the absentees.
- (B) If a quorum is not present, the Mayor shall send for the absentees, and upon the appearance of a quorum shall call to order and proceed with the order of business.
- (C) If a quorum fails to attend, the meeting shall stand adjourned to a time agreed upon by a majority of the members present.
- (D) The Mayor may, when present, substitute any member of the Board to perform the duties of the chair, but substitution shall not extend beyond adjournment, except by special consent of the Board.
- (E) Unless the Board agrees in advance otherwise, the business of the Board shall be taken up for consideration and disposition at regular meetings in the following order:
- (1) Call to order, invocation and Pledge of Allegiance;
 - (2) Approval of, additions and deletions to the agenda;

- (3) Approval of the consent agenda;
- (4) Approval of minutes;
- (5) Requests to address the Board, if any;
- (6) Public comment;
- (7) Presentations and items for discussion;
- (8) Action Items, beginning with old business and then new business;
- (9) City Manager's report;
- (10) Commissioners' reports;
- (11) Mayor's report;
- (12) Closed session items, if any; and
- (13) Adjournment.

Rule 8. Office of the Mayor

- (A) The Mayor shall preside at all meetings of the Board, but shall have the right to vote only when there is a tie though in no event may the mayor break a tie on a motion on which he or she has already voted.
- (B) Recognition of Members. A member must be recognized by the mayor (or other presiding officer) in order to address the Board, but recognition is not necessary for an appeal pursuant to Rule 20(B), Motion 1.
- (C) 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; and
 - (5) To adjourn in an emergency.
- (D) A decision by the presiding officer under (C) (1), (2), or (3) may be appealed to the Board upon motion of any member, pursuant to rule 20(B), Motion 1. Such a motion is in order immediately after a decision under (C) (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.

Rule 9. Office of the Mayor Pro Tempore; Disability of the Mayor

- (A) The Board shall elect the Mayor Pro Tempore to serve for a term of twelve (12) months beginning with the organizational meeting of the Board of Commissioners each December in odd years. At the same meeting, the Board shall elect the successor Mayor Pro Tempore to serve a succeeding twelve (12) month period. Notwithstanding the foregoing, the Mayor Pro Tempore so elected shall continue to serve until his or her successor takes the oath of office.
- (B) The Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Board member for all purposes, including the determination of whether a quorum is present. Even when presiding over a Board meeting, the mayor pro tempore has the same duty as other members to vote on all questions unless he or she has been excused from voting on a matter in accordance with Rule 21.
- (C) In the Mayor's absence, the Board may confer on the Mayor Pro Tempore any of the Mayor's powers and duties. If the Mayor should become physically or mentally unable to perform the duties of his or her office, the Board 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. When a Mayor declares that he or she is no longer incapacitated, and a majority of the Board concurs, the Mayor shall resume exercise of his or her powers and duties. If both the Mayor and the Mayor Pro Tempore are absent from a meeting, the Board may elect from among its members a temporary Chair to preside at the meeting.

Rule 10. When the Presiding Officer Is in Active Debate

If the Mayor or other presiding officer becomes actively involved in debate on a particular matter, he or she may designate another Board member to preside over the debate. The Mayor or other presiding officer shall resume presiding as soon as action on the matter is concluded.

Rule 11. Action by the Board

The Board shall proceed by motion, except as otherwise provided for in Rule 5 and in Rule 36. Any member may make a motion, not including the mayor.

Rule 12. Second Not Required

No second is required on any motion.

Rule 13. One Motion at a Time

A member may make only one motion at a time.

Rule 14. Substantive Motions

A substantive motion is out of order while another substantive motion is pending. Once the board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider.

Rule 15. Adoption by Majority Vote.

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 29 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

Rule 16. Voting by Written Ballot

The Board may choose by majority vote or unanimous consent to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the Board shall show the vote of each member voting. 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.

Rule 17. Changing a Vote

A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change his or her vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

Rule 18. Debate

- (A) The Mayor shall state the motion and then open the floor to debate. 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 a member who has already spoken.
 - (3) To the extent practicable, the debate shall alternate between proponents and opponents of the measure.
 - (4) Every member desiring to speak shall address the chair upon recognition by the Mayor shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language.
 - (5) A member, once recognized, shall not be interrupted when speaking, unless it is to call him or her to order or as otherwise provided under applicable rules of parliamentary procedure. If a member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined and, if in order, he or she shall be permitted to proceed.
 - (6) All questions of order shall be decided by the Mayor without debate, subject to an appeal to the Board.

Rule 19. Ratification of Actions

To the extent permitted by law, the Board may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Rule 20. Procedural Motions

- (A) Certain Motions Allowed. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

(B) Order of Priority of Motions. In order of priority, the procedural motions are

- Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.
- Motion 2. To Adjourn or Recess.
- Motion 3. To Take a Brief Recess.
- Motion 4. Call to Follow the Agenda.
- Motion 5. To Suspend the Rules.
- Motion 6. To Go into Closed Session.
- Motion 7. To Leave Closed Session.
- Motion 8. To Divide a Complex Motion and Consider It by Paragraph.
- Motion 9. To Defer Consideration.
- Motion 10. Motion for the Previous Question.
- Motion 11. To Postpone to a Certain Time or Day.
- Motion 12. To Refer a Motion to a Committee.
- Motion 13. To Amend.
- Motion 14. To Revive Consideration
- Motion 15. To Reconsider.
- Motion 16. To Rescind or Repeal.
- Motion 17. To Prevent Reintroduction for Six Months.

Motion 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, as specified in 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.

Motion 2. To Adjourn or Recess. This motion may be made only at the conclusion of Board consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess to a time and place certain shall also comply with the requirements of Rule 3(C). This motion is not in order if the Board is in closed session.

Motion 3. To Take a Brief Recess. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending. Also, the presiding officer Chair has the power to call a brief recess at any time pursuant to Rule 8(C).

Motion 4. To Follow the Agenda. If adopted, this motion prevents the Board from deviating from a proposed 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.

Motion 5. To Suspend the Rules of Procedure. The Board may not suspend the provisions of the rules that state requirements imposed by law on the Board. ***For adoption, this motion requires a vote equal to two-thirds (2/3) of the actual membership of the Board, excluding the Mayor, and vacant seats.**

Motion 6. To Go into Closed Session. The Board 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 expects to receive advice during the closed session, if in fact such advice is to be received.

Motion 7. To Leave Closed Session. This motion provides a procedural mechanism for returning from closed session to open session by adopting a duly made motion to return to open session. The Board shall return to open session once it has concluded its closed session business, even if it has no other business to transact except adjourning the meeting.

Motion 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. The member who makes the motion must specify how the complex motion will be divided.

Motion 9. To Defer Consideration. The Board 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 (i.e. has not expired). A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion pursuant to Rule 20(B), Motion 14 or else move to suspend the rule pursuant to Rule 20(B), Motion 5.

Motion 10. Motion for the Previous Question. If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. The motion is not in order until there have been at least ten (10) minutes of debate, and every member has had an opportunity to speak once.

Motion 11. To Postpone to a Certain Time and Day. This motion may be employed to delay the Board's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. 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 pursuant to Rule 20(B), Motion 5.

Motion 12. To Refer a Motion to committee. The Board may vote to refer a substantive motion to a committee for its study and recommendations. Sixty (60) 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, whether or not the committee has reported the matter to the Board. While the substantive motion is pending before the committee, the Board may not take up a new motion raising essentially the same issue without first suspending its rules.

Motion 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, policy, or resolution shall be reduced to writing before the vote on the amendment.

Motion 14. To Revive Consideration. The Board may vote to revive consideration of any substantive motion earlier deferred by adoption of Rule 20(B), Motion 9. 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.

Motion 15. To Reconsider. The Board 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, except in the case of a tie. In the case of a tie, the “no’s” prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through a recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but it is in order at any time before final adjournment of the meeting.

Motion 16. To Rescind or Repeal. The Board 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.

Motion 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 (2/3) of the actual membership of the Board, excluding the Mayor, and vacant seats.** If adopted, the restriction imposed by the motion remains in effect for [six] months or until the next organizational meeting of the Board, whichever occurs first.

Rule 21. Renewal of Motion

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

Rule 22. 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.

Rule 23. Duty to Vote

As required by G.S. § 160A-75, no member shall be excused from voting except upon matters involving the consideration of the member’s own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. § 14-234, 160A-381(d), or 160A-388(e)(2). In all other cases except votes taken under G.S. § 160A-385, a failure to vote by a member who is physically present in the Board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of the compensation and allowances of members of the Board is not a matter involving a member's own financial interest or official conduct. The member may be excused upon being recognized at a duly called meeting of the Board, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter. Even when a member has not asked to be excused from voting on a matter, a majority of the remaining Board members present may by motion and vote excuse the member from voting if grounds for doing so exist. The member’s unexcused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement, or repeal a zoning ordinance. Instead, the member’s unexcused failure to vote shall be recorded as an abstention. Questions about whether a basis for excusal exists should be directed to the city attorney.

Rule 24. Introduction of Ordinances

Per G.S. § 160A-75, a proposed ordinance shall be deemed introduced on the date the subject matter is first voted on by the Board.

Rule 25. Adoption of Ordinances and Approval of Contracts

Per G.S. § 160A-75, an affirmative vote equal to a majority of all the members of the Board not excused from voting on the questions in issue (including the Mayor's vote in the 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. ***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 (2/3) of all the actual membership of the Board, excluding vacant seats, and not including the Mayor.** No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken. The same voting requirements that govern the adoption of proposed ordinances also apply to the amendment or repeal of an ordinance.

Rule 26. Adoption of the Budget Ordinance

- (A) Notwithstanding the provisions of the City Charter, general law, or local act:
- (1) 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 by a simple majority of those present and voting, a quorum being present;
 - (2) 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; and
 - (3) 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.
- (B) During the period beginning with the submission of the budget to the Board and ending with the adoption of the budget ordinance, the Board 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 (a) each member of the Board has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule does not allow, and may not be constructed to allow, the holding of closed meetings or executive sessions by the Board if it is otherwise prohibited by law from holding such a meeting or session.

Rule 27. Decorum During Meetings

During all meetings, the mayor and commissioners shall silence their cell phones.

Rule 28. Closed Sessions

- (A) The Board may hold closed sessions as provided by law. The Board shall only commence a closed session only 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. 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. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, mediations, arbitrations, 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. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The Board shall terminate the closed session by a majority vote following a duly made motion.

- (B) 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.
- (C) Unless the Board directs otherwise, the city manager, city attorney, and city clerk may attend closed sessions of the Board. No other person may attend a closed session unless invited by majority vote of the Board.

Rule 29. Quorum

A majority of the actual membership of the Board, 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.

Rule 31. Meetings to be Open to the Public

Except as permitted by Rule 28, all meetings of the Board shall be open to the public, and any person may attend its meetings.

Rule 32. Public Hearings and Public Comment Periods

- (A) Public Hearings.
 - (1) Public hearings may be held anywhere within the limits of the City of Creedmoor or Granville County.
 - (2) Public hearings required by law or deemed advisable by the Board shall be organized by a special order 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. This special order is adopted by a majority vote. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) 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); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.
 - (3) All notice and other requirements of the open meetings law applicable to Board meetings shall also apply to public hearings at which a majority of the Board is present; such a hearing is considered to be part of a regular or special meeting of the Board. These requirements also apply to hearings conducted by appointed or elected committees of the Board 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 Rule 3(c) shall be followed in continuing a hearing at which a majority of the Board is present.

- (4) The Board 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. The Board shall provide adequate guidelines to assist staff members in fulfilling this responsibility, and it shall not delegate the responsibility in cases where the Board itself is required by law to call, schedule, or give notice of the hearing.
- (5) 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], and the Board shall resume the regular order of business.

(B) Public Comment Periods. The Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a public comment time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the public comment period shall be subject to the following procedures:

- (1) The public comment period shall be held at the beginning of the Board's work sessions and regular meetings. The comment period will be limited to a maximum of thirty (30) minutes. At the discretion of the Board, this time may be extended as circumstances warrant.
- (2) Persons who wish to address the Board during the public comment period will register on a sign-up sheet located on the Clerk's desk at the front of the Commissioners' boardroom. Speakers will provide contact information and the topic of their comments on the sign-up sheet. Sign-up sheets will be available twenty (20) minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to city staff.
- (3) If a person arrives after public comment has begun and desires to address the Board, they may do so after those who have signed up have addressed the Board, assuming time is available. Each speaker will have three (3) minutes to make his/her remarks. Speakers may not yield time to another person.
- (4) Speakers will be acknowledged by the Mayor in the order in which their names appear on the sign-up sheet. Speakers will address the Board from the podium at the front of the room and will begin their remarks by stating their name and address.
- (5) Public comment is not intended to require the Board to answer impromptu questions. Speakers will address all comments to the Board as a whole and not to one individual commissioner. Discussions between speakers and members of the audience will not be allowed. Discussions between speakers and members of the Board will not be allowed.
- (6) Speakers shall be courteous in their language and presentation and must be respectful in their remarks, refraining from personal attacks and the use of profanity.
- (7) One speaker will be acknowledged at a time. If the time period runs out before those signed up have spoken, those names will be carried over to the next comment period. At the discretion of the Board, the public comment time period may be extended as circumstances warrant.

- (8) Any applause shall be held until the end of the public comment period.
- (9) Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the clerk to the Board.
- (10) Any comments on matters of public hearings shall be made at the public hearing.
- (11) By law, individual personnel issues are confidential, and neither City elected officials nor City employees may discuss such matters in open session. Speakers wishing to address matters which are closed session matters, including but not limited to matters within the attorney-client privilege, anticipated or pending litigation, personnel and property acquisition should request time at such closed session to speak. The Board reserves the right to direct speakers accordingly.
- (12) Information sheets outlining the process for the public's participation in Board meetings will be available at the clerk's desk in the commissioners' boardroom.
- (13) Action taken on items raised during the public comment period will be at the discretion of the Board.
- (14) All notice and other requirements of the open meetings law applicable to regular Board meetings shall also apply to public comment periods, since each public comment period is considered to be part of a regular meeting of the Board.
- (15) The Board may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the Board's real or apparent jurisdiction.

Rule 33. Quorum at Public Hearings

A quorum of the Board shall be required at all public hearings required by state law. If a quorum is not present at such a public hearing, the hearing shall be continued until the next regular Board meeting without further advertisement.

Rule 34. Minutes

(A) Preparing Minutes and Accounts

- (1) The Clerk, or his or her designee, shall keep full and accurate minutes of the Board proceedings, including closed sessions. For the purposes of this section "full minutes" shall consist of a summary of discussion without attributing comments to any particular person or people and the record of the actual decision made when a discussion item is considered for approval or denial. The following essential facts should also be recorded:
 - (i) The date, time and place of the meeting;
 - (ii) The names of the Board members present and absent;
 - (iii) The names of any persons appearing before the Board and a statement regarding the nature of their appearance;
 - (iv) When a motion is made, it should be recorded verbatim along with the name of the person making the motion and the person making the second, if any;
 - (v) The results of each vote should be clearly recorded. If requested by any Board member, the "ayes" and "noes" and how each member voted should be recorded;

- (vi) Any ordinances, resolutions, petitions, contracts or other written documents that are part of the proceedings should be incorporated into the minutes with an adequate identifying reference; and
- (vii) A statement that the meeting was adjourned.

- (2) When the Mayor, a Board member, speaker, or other presenter requests his or comments or written transcripts be included verbatim in the official minutes, the Board shall designate its preference to the Clerk by approving a motion immediately following said request. If the Board fails to vote on the request by formal motion, the Clerk shall interpret the lack of a motion as a direction from the Board to not include the verbatim comments or written transcripts in the minutes.
- (3) In addition to the minutes, 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.

(B) Reviewing and Approving Open Session Minutes.

- (1) The Clerk shall include draft versions of minutes in the Regular Meeting Board Packet for any meetings held in between the monthly regular meetings. Board members should use the time period from receipt of the Board Packet until prior to the meeting to suggest any corrections they feel necessary to draft minutes. Such notifications shall take the form of an email to the Manager and the Clerk with a courtesy copy to the Mayor and remaining Board members prior to the public meeting.
- (2) Minutes presented for approval should be clearly labeled as “draft” or “tentative,” so as not to be mistaken for an official copy. Generally, minor changes need not be submitted for approval a second time after corrections are made, but it is recommended that any substantive changes be presented in revised format for formal approval.
- (3) This approach enables the Clerk and Manager to determine if a correction is warranted and to make said correction prior to the meeting. The revised minutes shall then be presented to the full Board for adoption at the meeting. All Board member-suggested corrections should comply with this policy and members should not postpone amendments to the minutes that conflict with this policy.

(C) Reviewing and Approving Closed Session Minutes and Accounts.

- (1) Closed session meeting minutes and actions shall be deemed sealed and shall remain sealed until such time as the Board votes to unseal them.
- (2) Every six months (approximately every January 1 and July 1), the City Manager, Attorney and Clerk will review the sealed closed session minutes and actions and make a recommendation as to which minutes and actions, if any, should be unsealed. The Board may vote to unseal minutes and actions at any time before the routine review has been conducted by City staff.
- (3) After conducting the routine review, the Clerk will notify the Board that there are minutes and actions which the City staff recommends be unsealed at an upcoming open meeting. The Clerk will make the documents available to the Board for review at City Hall.
- (4) The meeting dates of the minutes and actions under consideration will then be placed on the Board agenda for a vote as whether to unseal them.

- (5) Should the Board vote to not unseal any of the minutes, the Board shall meet in closed session to discuss the reasoning for not unsealing the minutes. As necessary, the Board will then reconsider action on the minutes and actions during an open meeting.

Rule 35. Broadcasting and Recording Meetings

- (A) **Right to Broadcast and Record.** Any person may photograph, film, tape-record, or otherwise reproduce any part of a Board meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a Board meeting.
- (B) **Advance Notice.** Any radio or television station that plans to broadcast any portion of a Board meeting shall so notify the city clerk no later than twenty-four hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a Board meeting.
- (C) **Equipment Placement.** The city manager may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a Board meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the city manager determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the city manager may require the pooling of the equipment and the personnel operating it.
- (D) **Alternative Meeting Site.** If the news media request an alternative meeting site to accommodate news coverage, and the Board grants the request, the news media making the request shall pay the costs incurred by the city in securing an alternative meeting site.

Rule 36. Appointments

- (A) The Mayor acting under the direction the Board shall make all appointments to any and all authorities, committees, boards and other bodies under the jurisdiction of the Board or to which the Board has the authority to appoint members or representatives.
- (B) **Appointments in Open Session.** The Board must consider and make any appointment to another body or, in the event of a vacancy on the Board, to its own membership in open session.
- (C) **Nomination and Voting Procedure.** The Board shall use the following procedure to fill a vacancy in any other body over which it has the power of appointment by soliciting applications. The mayor shall open the floor for nominations. Members may put forward nominations of qualified applicants and debate qualifications. When debate ends, the mayor shall call the roll of the members, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast during a single balloting.
- (D) The mayor may not make nominations for public bodies filled by application under this rule.
- (E) **Multiple Appointments.** If the Board is filling more than one vacancy, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No member may cast more than one vote for the same candidate for the same vacancy during a single balloting.
- (F) **Duty to Vote.** It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so shall not invalidate a member's ballot.

(G) **Vote by Written Ballot.** The Board may vote on proposed appointments by written ballot in accordance with Rule 16.

Rule 37. Committees and Boards

- (A) **Open Meetings Law.** The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, Boards, 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, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among the City's professional staff.
- (B) **Establishment and Appointment.** The Board may establish temporary and standing committees, boards, and other bodies to help carry on the work of city government. Unless otherwise provided by law or the Board, the power of appointment to such bodies lies with the Board.
- (C) **Procedural Rules.** The Board may prescribe the procedures by which the city's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. In the absence of rules adopted by the Board, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.

Rule 38. Amendment of the Rules

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 (2/3) of the actual membership of the Board, excluding vacant seats, and not including the Mayor.**

Rule 39. Reference to Robert's Rules of Order Newly Revised

The Board shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the mayor shall make a ruling on the issue subject to appeal to the Board under Rule 20, Motion 1.