

# **RULES OF PROCEDURE FOR THE ALAMANCE COUNTY BOARD OF COUNTY COMMISSIONERS**

## **I. PREAMBLE**

These Rules of Procedure apply to all meetings of the Alamance County Board of Commissioners at which the Board is empowered to exercise any powers conferred on it by law. While open debate is the foundation of the democratic process, a productive exchange of opinions requires respect and decorum between Commissioners and the Public as acknowledged in the Alamance County Public Comment Policy, which is incorporated herein by reference.

## **II. OPEN MEETINGS**

### **Section 1. Meetings to Be Open.**

(a) The public policy of North Carolina and of Alamance County is that the hearings, deliberations, and actions of this Board be conducted openly. N.C.G.S. § 143-318.9.

(b) Except as otherwise provided in these rules and in accordance with N.C.G.S. § 143-318.10 (a), each official meeting of the Alamance County Board of County Commissioners shall be open to the public, and any person may attend.

(c) For purposes of the provisions of these Rules, an official meeting of the Board is defined as a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of Board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the Board. N.C.G.S. § 143-318.10 (d).

## **Section 2. Closed Session.**

Notwithstanding the above provisions, the Board may hold a closed session and exclude the public pursuant to N.C.G.S. § 143-318.11.

## **III. OFFICERS**

### **Section 1. Officers.**

The Board's officers shall be a Chair and Vice-Chair. These officers shall perform the duties prescribed by these Rules and law.

### **Section 2. Election of Chair and Vice -Chair.**

At its first regular meeting in December of each year or as otherwise provided by law, the Board shall elect a Chair and Vice-Chair for the ensuing year. N.C.G.S. § 153A-39.

### **Section 3. Duties of Officers.**

In addition to any duties prescribed by law, the Chair shall have the following powers:

- (a) To preside at meetings of the Board;
- (b) To recognize members who are entitled to the floor;
- (c) To call a brief recess at any time;
- (d) To set a maximum time allotted to a public speaker at a public hearing;
- (e) To allow a public speaker to speak on an agenda item that does not involve a public hearing;
- (f) To require the designation of a speaker for groups of persons;
- (g) To direct the Clerk to swear in witnesses (including attorneys) in matters where the Board sits in a quasi-judicial capacity;
- (h) To enforce the rules relating to debate and those relating to order and decorum; and
- (i) To call a Special Meeting of the Board at any time deemed necessary by the Chair.

#### **Section 4. Agenda Preparation.**

Final approval of items placed on the Agenda shall be made by the Chair or any board member so designated by the Chair.

#### **Section 5. Absence of Chair.**

In the absence of the Chair, the Vice-Chair shall preside over Regular meetings and Special Meetings. In the absence of both the Chair and Vice-Chair, the members present shall elect a temporary Chair.

### **IV. MEETINGS**

#### **Section 1. Regular Meetings.**

The Regular meeting of the Board shall be held at 9:00 a.m. on the first Monday and 7:00 p.m. on the third Monday of each month in the Commissioners Meeting Room of the Alamance County offices, 124 West Elm Street, Graham, North Carolina. Meeting days and times may be altered by vote of a majority of the members of the Board as allowed by law. If cancellation or abbreviation of a meeting is being considered due to inclement weather, the Chair should notify other Board members no later than 3 hours before the meeting. N.C. G.S. § 153A-40.

#### **Section 2. Special Meetings.**

Special meetings may be called by the Chair or a majority of the members of the Board and shall comply with applicable law. N.C.G.S. §§ 143-318.9 - 318.16A and 153A-40(b).

#### **Section 3. Quorum.**

A majority of the membership of the Board shall constitute a quorum. If a member withdraws from a meeting without being excused by majority vote of the remaining members present, he shall be counted as present for the purposes of determining whether a quorum is present, as provided by law.

A member or members of the Board participating from a remote location by phone, video or other type communication shall be counted as present for quorum purposes, and all votes of members of the board made during an official meeting with phone, video or other type communication shall be counted as if the member were physically present in the place of the official meeting provided all of criteria outlined in this Section 3 and Section 4, below are met.

**Section 4. Phone, Video or Other Type Communication.**

In order to participate in the meeting via phone, video or other type communication the following criteria must be met:

- (a) The official meeting was properly noticed under N.C.G.S. § 146-318.12 and under any other requirement for notice applicable to the public body;
- (b) The member or members participating from a remote location by phone, video or other type communication can fully participate in the deliberations;
- (c) The member or members of the board participating from a remote location by phone, video or other type communication can be heard by the other members of the board and any other individual in attendance at the official meeting;
- (d) The vote of the member or members of the public body participating from a remote location by phone, video or other type communication is not by electronic mail or facsimile;
- (e) If the chair of the board is participating from a remote location by phone, video or other type communication, the vice chair or some other member of the board who is physically present shall reside at the official meeting. The chair or presiding officer of the board participating from a remote location by phone, video or other type communication shall retain the same voting rights he or she has when presiding;
- (f) The official meeting, or part of an official meeting with a member or members of the

board participating from a remote location by phone, video or other type communication may not be used in a quasi-judicial proceeding;

(g) No written ballots may be taken at the official meeting with a member or members of the board participating from a remote location by phone, video or other type communication;

(h) If the official meeting involves a member of the board participating from a remote location by phone, video or other type communication by which the member or members are not visible to the public body, that member or members must comply with all of the following:

- i. The participation of the member or members must be announced when the meeting is commenced or at the beginning of participation;
- ii. The member shall identify himself or herself prior to participating in the deliberations during the official meeting;
- iii. The member shall identify himself or herself prior to voting;

(i) The member or members participating from a remote location by phone, video or other type communication shall have been previously provided any documents to be considered during the official meeting.

#### **Section 4. Attendance.**

All members are encouraged to attend meetings to the fullest extent practicable.

#### **Section 5. Minutes.**

Minutes of all meetings shall be kept by the Clerk to the extent required by law. N.C.G.S. § 143-318.10(e).

### **V. AGENDA**

#### **Section 1. Preparation of the Agenda**

(a) The County Manager (with input from the Chair and/or Vice-Chair and/or other

Commissioners and assistance from the Clerk and staff) shall prepare the proposed agenda for each meeting.

(b) The agenda shall include time for Public Comments from the public in attendance. Speakers shall limit remarks to three minutes and may speak only one time during each public comment period. These time limits may be suspended as necessary in the sole discretion of the Chair. Public Comment speakers may not use videos, nor any other electronic mediums during the public comment period. The Public Comment Policy is incorporated herein by reference.

(c) The agenda shall include time at the conclusion of the meeting for “Comments from County Commissioners” relating to the welfare of Alamance County and the Board, including informal observations on the work of the Board and announcements. Motions and resolutions shall not be in order during Comments from County Commissioners. Each member shall be allowed to speak briefly on items noticed under Comments from County Commissioners with no rebuttal and no yielding of time by another Board member.

(d) Any Board member may submit an item for the agenda to the Clerk no later than the agenda deadline.

(e) The Board may, by majority vote, add an item not on the agenda on findings by the majority of the board that such items could not have reasonably been placed on the agenda pursuant to normal procedures and is necessary that such business be considered at the meeting.

(f) Members of the general public may submit an item for consideration of addition to the agenda by following the following process:

- i. Request must be submitted in writing to the Clerk to Board no later than three weeks prior to the scheduled Board meeting;
- ii. Submitted requests must include a contact person and all attachments to be

considered for agenda placement, including any and all media materials;

- iii. During the agenda preparation a determination will be made to add or deny a requested submission to the Agenda.

- (a) If a request made by the general public is denied in whole or in part during the agenda meeting process, notice of the decision will be forwarded to the requestor and copied to the full Board.

- (b) The Chair has the right to preview any submitted materials for appropriateness, and in the event submissions are deemed inappropriate during agenda preparation, the requestor will be asked to make necessary changes or have materials deemed inappropriate and denied consideration.

## **Section 2.     Agenda Items**

- (a) The Board shall proceed to business in the following order:

- i. Invocation and Pledge of Allegiance;
  - ii. Call to Order;
  - iii. Speakers comments related to the agenda items;
  - iv. Consent agenda items, including approval of minutes;
  - v. Scheduled public hearings;
  - vi. Unfinished business, to include any resolution provided to commissioners for consideration at a previous meeting or five (5) days prior to the current meeting;
  - vii. New business, to include introduction by any commissioner of a motion or resolution;
  - viii. Speakers from the floor;
  - ix. Comments from County Manager;

- x. Comments from County Commissioners;
- xi. Closed session, when necessary;
- xii. Adjournment.

(b) Each agenda item shall contain a cover sheet with a concise one or two paragraph summary prepared by staff. The initiating agency shall be responsible for drafting the summary, subject to such changes as may be made in the review process. This summary shall include background information on the item, justification for county involvement, short-term and long-term impact on county programs and revenue, action requested or required to be taken by the Board, and a recommendation by the County Manager and appropriate staff.

(c) Attached to each agenda item shall be as much background material as is necessary for an informed decision by the Board. Non-routine items requiring action should contain a formal written resolution prepared by staff and reviewed in advance by the County Manager and County Attorney.

## **VI. CONDUCT OF DEBATE**

### **Section 1. Motions.**

Board action shall proceed by motion. Any member, including the Chair, may make a motion.

### **Section 2. Seconding Motions.**

Before a motion may be voted upon the motion shall require a second. A second on a motion may be made before or following discussion and debate.

### **Section 3. Only One Motion.**

A member may make only one main motion at a time.



#### **Section 4. Main Motions.**

A main motion is out of order while another motion is pending.

#### **Section 5. Debate on Motions.**

The Chair shall state the motion and then open the floor to debate, presiding according to these general principles:

- (a) If the member who made the motion claims the floor and has not already spoken on the question, that member is entitled to be recognized in preference to other members;
- (b) No member is entitled to the floor a second time in debate on the same motion on the same day as long as any other member who has not spoken on the motion desires the floor;
- (c) The Chair should let the floor alternate, as far as possible, between those favoring and those opposing the motion;
- (d) Board members are expected to conduct debate in a responsible manner in accordance with the Ethics Policy.

#### **Section 6. Right to Debate.**

All Board members may debate an agenda item; Board members may briefly speak a second time during debate so long as all Board members wishing to speak have had an opportunity to do so.

#### **Section 7. Decorum of Audience.**

In order to efficiently transact public business, it is necessary that members of the audience demonstrate an appropriate decorum and respect for the Board and speakers. To this end, audience members shall conduct themselves as follows:

- (a) Audience members shall refrain from making unsolicited comments during the meeting;

(b) During speakers from the floor or debate by the Board, audience members shall refrain from conduct which disrupts the proceeding. This conduct may include but is not limited to cheers, hissing, booing, clapping, cursing or any other conduct which disturbs the proceedings;

(c) Audience members shall refrain from displaying signage that obstructs the view of others in attendance or presents a safety hazard;

(d) Audience members shall silence all cell phones and other electronic devices while attending the meeting.

#### **Section 8. Majority Vote.**

A motion shall be adopted by majority vote, unless otherwise required by applicable law or these Rules.

#### **Section 9. General Consent.**

Decisions on routine business may be made by general consent (“consent”) and the minutes shall so reflect.

#### **Section 10. Duty to Vote.**

Each Board member is required to vote on all matters unless excused by a majority vote of the Board in accordance with the law. A Board member who fails to vote having not been excused, shall be recorded in the minutes as voting in the affirmative. N.C.G.S. § 153A-44.

(a) Any member who seeks to abstain from a vote shall briefly state the basis for the request at that time. An unauthorized abstention shall be counted as a vote against the motion.

(b) If a member has withdrawn from the meeting without being excused by a majority vote, and is not present for the call of a vote, the member will be recorded as absent in the minutes of the meeting and a vote will not be counted for that member.

- (c) If a member, who has been approved for attendance via phone, video or other type communication, withdraws from the meeting, without being excused by a majority vote, either intentionally or not, the member will be recorded as absent in the minutes of the meeting and a vote will not be counted for that member.

## **VII. PARLIAMENTARY AUTHORITY**

The Chair shall preside at Board meetings and make parliamentary rulings not inconsistent with applicable law and these Rules.

## **VIII. RULES OF PROCEDURE**

### **Section 1. Copy.**

The Clerk shall maintain a current set of these rules.

### **Section 2. Third Parties.**

Failure to follow these Rules of Procedure shall not create rights in third parties unless otherwise provided by law.

### **Section 3. Amendment to Rules.**

These Rules may be amended by a majority vote of the membership of the Board. Any provision of these Rules may be suspended for any meeting by a majority vote of those present and voting.

ADOPTED this 20<sup>th</sup> day of March, 2017.

Amended the 17<sup>th</sup> day of April, 2017; amended the 22<sup>nd</sup> day of January, 2019