

RULES OF PROCEDURE FOR MEETINGS OF THE NEW HANOVER COUNTY BOARD OF COMMISSIONERS

I. APPLICABILITY

Rule 1. Applicability of Rules. These rules apply to all meetings of the New Hanover County Board of Commissioners at which the board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law, including but not limited to regular informal work sessions or committee meetings where public business is discussed but no official action is taken.

II. OPEN MEETINGS

Rule 2. Meetings to Be Open.

- a) The public policy of North Carolina and of New Hanover County is that the hearings, deliberations, and actions of this board and its committees be conducted openly.
- b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the New Hanover County Board of Commissioners shall be open to the public, and any person may attend.
- c) For the purposes of the provisions of these rules concerning open meetings, an official meeting of the board is defined as any gathering together at any time or place or the simultaneous communication by conference call 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.

Rule 3. Closed Sessions.

- a) Notwithstanding the provisions of Rule 2, the board may hold a closed session and exclude the public, but only for the permitted purposes set forth in N.C.G.S. 143- 318.11(a)(1-9).
- b) The board may go into closed session only upon motion made, seconded, and adopted at an open meeting. The motion shall state the general purpose of the closed session and must be approved by a majority of those board members present and voting.
- c) Unless the motion to go into closed session provides otherwise, the county manager, county attorney, and clerk to the board shall attend the closed session. All other persons present shall be at the discretion and consensus of a majority of the board.

III. ORGANIZATION OF THE BOARD

Rule 4. Organizational Meeting. On the first Monday in December following a general election in which county officers are elected, the board shall meet at their regular meeting time and place.

- a) The present chairman shall call the meeting to order and the present board, including retiring members, shall approve the minutes of the previous meeting(s).
- b) Newly elected members of the board shall take and subscribe the oath of office and be inducted into office, if they have not already been sworn.
- c) The present chair shall then recognize the county attorney or the clerk to the board to preside until a new chairman is elected from its members.
- d) The board shall approve the bonds of the finance officer, tax collector, sheriff and the register of deeds and induct them and any other newly elected county officials into office as appropriate.

Rule 5. Election of the Chairman and Vice-Chairman. The chairman and vice-chairman of the board shall be elected annually at the board's first Monday meeting in December for a term of one year and shall not be removed from the office of chairman or vice-chairman unless he or she becomes disqualified to serve as a board member.

IV. REGULAR AND SPECIAL MEETINGS

Rule 6. Regular and Special Meetings.

- a) **Regular Meetings.** The board shall hold a regular meeting on the first Monday of each month at 4:00 p.m. and on the third Monday of each month at 9:00 a.m. unless otherwise stated on the schedule approved by the board. Regular meetings shall be held in the Assembly Room located in the New Hanover County Courthouse, 24 North Third Street, Wilmington, N.C.
- b) **Special Meetings.** The chairman, or a majority of board members, may at any time call a special meeting of the board by a notice stating the time and place of the meeting and the subject(s) to be considered. The person or persons calling the meeting shall cause the notice to be posted on the bulletin board located by the west entrance doors of the New Hanover County Government Center and disbursed to the chairman and all other board members by fax, email, or other appropriate method at least forty-eight hours before the meeting. In addition, the notice shall be mailed, faxed, emailed, or other appropriate method to individual persons and media organizations having requested such notice as provided in subsection (e) below. Only items of business specified in the notice may be transacted at a special meeting, unless all members of the board are present or those not present have signed waivers.
- c) **Emergency Meetings.** If a special meeting is called to deal with an unexpected circumstance requiring immediate consideration, the notice requirements of this rule do not apply. However, the person or persons calling an emergency meeting shall take reasonable action to inform the other board members and the public of the meeting. Local media organizations having requested notice of special meetings as provided in subsection (e), below, shall be notified of such emergency meetings by the same method used to notify board members. Only business connected with the emergency may be discussed at the meeting.
- d) **Work Sessions and Committee Meetings.** The board may schedule work sessions, committee meetings, or other informal meetings of the board, or of a majority of its members, at such times and concerning such subjects as may be established by resolution or order of the board. A schedule of any such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special board meetings.
- e) **Sunshine List.** Any individual or media organization must file a written request annually, by the last day of July, with the clerk to the board for notice of all special meetings and regular meeting agenda summaries of the board. Requests by individuals, other than the media, will be subject to a \$10.00 non-refundable annual fee; there will be no fee charged for notices sent by email or fax.

Rule 7. All Meetings within the County. All meetings shall be held within the boundaries of New Hanover County except as otherwise provided herein:

- a) A joint meeting with the governing board of any other political subdivision of this or any other state may be held within the boundaries of either subdivision as may be specified in the call of

the meeting. At any such joint meeting, this board reserves the right to vote separately on all matters coming before the joint meeting.

- b) A special meeting called for considering and acting on an order or resolution requesting members of the General Assembly representing all or any portion of this county to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in Raleigh or other such place as stated in the call of meeting.
- c) A retreat, forum, or similar gathering held solely for the purpose of providing members of the board with general information relating to the performance of their public duties.
- d) A meeting to declare a state of emergency or make decisions pertaining to a state of emergency when a majority of the board is out of the County on official business.

Rule 8. Broadcasting and Recording of Meetings. Except as provided in this rule, any media organization may broadcast all or any part of an official board meeting required to be open to the public. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting that is required to be open.

V. AGENDA

Rule 9. Agenda.

- a) The county manager or the clerk to the board shall prepare the agenda for each regular meeting. A request to have an item of business placed on the agenda for a regular meeting must follow the approved agenda policy. Additional items may be introduced with the permission of the Chairman.
- b) The agenda packet shall include the agenda coversheet, any proposed ordinances, or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. A copy of the agenda packet shall be made available to each board member at least seventy-two hours before the meeting.

Rule 10. Order of Business. At regular meetings, the board shall proceed to conduct business in the following order:

- 1) Call to Order
- 2) Invocation
- 3) Pledge of Allegiance
- 4) Consent Agenda Items of Business
- 5) Regular Agenda Items of Business
- 6) Presentation of Service and Retirement Awards and Introduction of New Employees
- 7) Consideration of proclamations, resolutions, budget amendment ordinances, etc.
- 8) Public Hearings
- 9) Committee Appointments
- 10) Unfinished business
- 11) Public Comments on Non-Agenda Items
- 12) Additional Agenda Items of Business

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

VI. CONDUCT OF DEBATE

Rule 11. Powers of the Chairman. The chairman shall preside at all board meetings. To address the board, a member of the board must be recognized by the chairman. The chairman shall have the following powers:

- a) To rule on points of parliamentary procedure, including the right to rule out of order any motion offered for obstructive or dilatory purposes;
- b) 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;
- c) To call a brief recess at any time; and
- d) To adjourn in an emergency.

Rule 12. Action by the Board. The board shall proceed by motion. Any member, including the chairman, may make a motion.

Rule 13. Second Required. A motion shall require a second.

Rule 14. One Motion at a Time. A member may make only one motion at a time.

Rule 15. Substitute Motion. A substitute motion is out of order while another substitute motion is pending. A substitute motion is deemed to be a "main" or "principal" motion as distinguished between it and the various procedural motions listed in Rule 18.

Rule 16. Adoption by Majority Vote. A motion shall be adopted if, after receiving a second, it is approved by a majority of the votes cast, unless otherwise required by these rules or North Carolina law.

Rule 17. Debate. The chairman shall state the motion and then open the floor to debate, presiding according to the following general principles:

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

Rule 18. Procedural Motions.

- a) In addition to substitute motions, the procedural motions listed in subsection (b) of this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a second and a majority vote for adoption.
- b) In order of priority, the procedural motions are:
 - 1) **To adjourn.** The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
 - 2) **To recess.**
 - 3) **To call to follow the agenda.** The motion must be made at the first reasonable opportunity or it is waived.
 - 4) **To divide a complex motion** and consider it by paragraph.

- 5) **To defer consideration.** A substitute motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.
- 6) **To call the previous question.** The motion is not in order until there has been debate and every member of the board has had one opportunity to speak.
- 7) **To postpone** the meeting to a certain time and/or day.
- 8) **To amend** a motion. An amendment to a motion must be relevant to the subject of the motion, but it may not achieve the opposite effect of the motion. There may be amendments to the motion and there may be substitute motions, requiring a second and taking priority in voting. If the substitute motion succeeds, the original motion dies and is not considered. Any amendment to a proposed ordinance shall be submitted in writing.
- 9) **To revive consideration.** The motion is in order at any time within one hundred days of a vote deferring consideration. A substitute motion on which consideration has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.
- 10) **To reconsider.** The motion must be made at the same meeting where the original vote was taken, and by a member who voted with the prevailing side. The motion to reconsider cannot interrupt deliberation on a pending matter but is in order any time before adjournment.

Rule 19. Renewal of Motion. A defeated motion may not be renewed at the same meeting.

Rule 20. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before the chairman puts the motion to vote.

Rule 21. Duty to Vote. It is the duty of each member to vote unless excused by a majority vote according to law. The board may excuse members from voting on matters involving their own financial interest or official conduct. A member wishing to be excused from voting shall so inform the chairman, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

Rule 22. Prohibition of Secret Voting. No vote may be taken by secret ballot. If the board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, when they may be destroyed.

Rule 23. Action by Reference. The board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted on.

Rule 24. Introduction of Ordinances, Resolutions or Orders. A proposed ordinance shall be deemed to be introduced at the first meeting where it is actually considered by the board.

Rule 25. Adoption, Amendment or Repeal of Ordinances. To be adopted at the meeting where it is first introduced an ordinance or an action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order, or another ordinance requiring a public hearing before adoption) must be approved by all members of the board of

commissioners. If the proposed measure is approved by a majority but not by all the members of the board, or if the measure is not voted on at that meeting, it shall be considered at the next regular meeting of the board. If it then or at any time thereafter within one hundred days of its introduction receives a majority of the votes cast, the measure is adopted.

Rule 26. Public Hearings. Public hearings required by law or deemed advisable by the board shall be organized by setting forth the subject, date, place and time of the hearing as well as any rules regarding the length of time allotted to each speaker and designating representatives to speak for large groups. At the appointed time the chairman shall call the hearing to order and preside over it. When the allotted time expires, the chairman shall declare the hearing ended and the board shall resume the regular order of business.

Rule 27. Quorum at Public Hearings. A quorum of the board must be present at all public hearings required by law.

VII. MINUTES

Rule 28. Minutes. Minutes shall be kept of all board meetings.

Rule 29. Closed Session Minutes. Pursuant to North Carolina General Statutes 143-318.10, the clerk to the board shall keep accurate minutes or general accounts of all closed sessions.

- a) At the next regular board meeting following any closed session, closed session minutes will be distributed to each commissioner in sealed envelopes. Closed session minutes will be considered and approved by the board at the time regular meeting minutes are considered and approved.
- b) Following approval, all copies of the closed session minutes provided to the commissioners will be returned to the clerk. Closed session minutes will be sealed and not made available for public inspection until released as hereinafter provided.
- c) The attorney and clerk shall periodically review the closed session minutes to determine if their disclosure no longer frustrates the purpose for which the closed session was held.
- d) Upon board approval, the closed session minutes shall be released and made available for public inspection.

VIII. COMMITTEE APPOINTMENTS

Rule 30. Committee Appointments. The board shall appoint citizens to boards and committees over which the board has power of appointment at regular or special meetings called by the board. A nomination for an appointment must be seconded in order to be considered for a vote by the board. It is the desire of the Board that all appointees shall serve at the pleasure of the Board and may be removed without cause by a majority vote of the county commissioners.

IX. CODE OF ETHICS

Rule 31. Code of Ethics. The board shall adhere to the *Resolution Adopting a Code of Ethics* as adopted unanimously on January 4, 2016.

X. AMENDMENT TO RULES AND MISCELLANEOUS

Rule 32. Amendments to These Rules. These Rules may be amended by an affirmative vote of a majority of the board members.

Rule 33. Miscellaneous. These Rules of Procedure are directory, and not mandatory, and failure to follow them shall not be actionable in a court of law or equity unless otherwise provided by law.

Initially adopted by the New Hanover County Board of Commissioners on February 15, 1993. AMENDED August 15, 2011. AMENDED October 20, 2014. AMENDED November 14, 2016, effective upon adoption.

NEW HANOVER COUNTY



Beth Dawson
Chairman, Board of Commissioners

ATTEST:

Teresa P. Elmore, Clerk to the Board