

RULES OF PROCEDURE

TOWN OF WENDELL



**Originally Adopted by the Board of
Commissioners
on July 14, 2008**

Revised and Adopted May 23, 2016

The Rules of Procedure adopted by the Wendell Town Board of Commissioners were taken from "Suggested Rules of Procedure for a City Council", Third Edition by A. Fleming Bell, Institute of Government, the University of North Carolina at Chapel Hill, with minor modifications. For that reason, it was considered appropriate to include the "Introduction" to that publication herein.

These RULES OF PROCEDURE were designed for use by a municipal council. They incorporate general principles of parliamentary procedure and applicable North Carolina laws. Essentially the rules are a modified version of the Roberts's Rules of Order Newly Revised (hereinafter referred to as RONR). However, RONR is intended primarily to guide the deliberations of large legislative bodies; its detailed rules are not always appropriate for a small governing board. A small board can afford to do some things that are not appropriate for a large body, and in some cases the procedure prescribed by RONR for larger assemblies is unnecessarily cumbersome. RONR itself recognizes that more informality is desirable with small boards (RONR, Sec. 48, pp. 477-78); these rules detail the more informal procedures that might be expected with a small board. This book modifies RONR with the following principles in mind:

1. The Council [Board] must act as a body.
2. The Council [Board] should proceed in the most efficient manner possible.
3. The Council [Board] must act by at least a majority.
4. Every member must have an equal opportunity to participate in decision-making
5. The Council's [Board's] rules of procedure must be followed consistently.
6. The Council's [Board's] actions should be the result of a decision on the merits and not a manipulation of the procedural rules.

Many of the rules suggested here reflect the provisions of the North Carolina City [Town] Council meeting procedure statutes, Chapter 160A, Article 5, Parts 1-3, of the North Carolina General Statutes (hereinafter G.S.) (G.S. 160A-68 to -81) and the North Carolina open meetings law, G.S. Chapter 143, Article 33C (G.S. 143-318.9 to 143-318.18). When the rules in this book state procedures that are required by sections of these statutes, the fact is noted in the Comments. City

[Town] Councils [Boards] must follow procedures required by these laws, whether or not they adopt some version of the rules in this book.

Note that G.S. 160A-82 provides that nothing in G.S. 160A-68 through G.S. 160A-81 (with certain exceptions not pertinent here) is to be construed to repeal any inconsistent provision of any city charter. (See also G.S. 160A-3, which provides rules for resolving conflicts between charter provisions and other statutes.) City [Town] officials should examine the City [Town] Charter whenever a comment refers to a general law, to determine whether the Charter conflicts with the cited general law.

A City [Town] Council [or Board of Commissioners] has a relatively free hand in designing its own rules of procedure, as long as the requirements of the general laws mentioned above and the city's charter are followed and the Board adheres to the general principles listed earlier. Most of the rules in this book are merely suggested procedures, and each council should feel free to change them to suit local needs and customs. For example, Rule 11 eliminates the requirement of a second to a motion. A Council [Board] may choose to adopt that rule or not. Alternative wordings and optional language for some of the rules are shown enclosed in brackets.

Throughout these rules the City [Town] Governing Board is referred to as the "Council," in keeping with the wording of G.S. Chapter 160A.

I. DEFINITIONS

Rule 1. Definitions.

The following are definitions for the benefit of meetings of the Board of Commissioners for the Town of Wendell:

"BOARD OF COMMISSIONERS." The governing body of the Town of Wendell, North Carolina.

"CODE or CODE OF ORDINANCES." The "Code of the Town of Wendell, North Carolina.

"COMPUTATION OF TIME." The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is Saturday, Sunday, or a legal holiday, that day shall be excluded.

State law references: Computation of time, G.S. 1-593.

"COUNTY." The County of Wake, in the State of North Carolina, except as otherwise provided.

"DEVELOPMENT." Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"GENDER." Words importing the masculine gender include the feminine and neuter.

"G.S." The abbreviation "G.S." refers to the latest edition of the General Statutes of North Carolina, as amended.

"IN THE TOWN." Any territory jurisdiction of which for the exercise of its regulatory power has been conferred on the town by public or private law.

"MONTH." A calendar month.

"OATH." An affirmation in all cases in which, by law, an affirmation may be substituted for an oath and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

"OFFICIALS, DEPARTMENTS, BOARDS, COMMISSIONS, COMMITTEES." Whenever reference is made to "OFFICIALS, DEPARTMENTS, BOARDS, COMMISSIONS, COMMITTEES etc.," by title only, they shall be construed as if followed by the words "of the Town of Wendell, North Carolina."

"OFFICIAL TIME STANDARDS." Whenever certain hours are named in this code, they shall mean standard time or daylight saving time as may be in current use in the town.

"OWNER." When applied to buildings or land, shall include any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or part of the building or land.

"PERSON." Includes a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual.

"PERSONAL PROPERTY." Every species of property, except real property as herein defined.

"PRECEDING" and "FOLLOWING." Next before and next after, respectively.

"PROPERTY." Real and personal "PROPERTY."

"REAL PROPERTY." Lands, tenements, and hereditaments.

"RIGHT-OF-WAY." The entire width between property lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for public purposes.

"SIDEWALK." Any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians.

"STORM SEWER DRAINAGE FACILITIES." Includes drain outlets in connection with the curb and gutter, underground drain lines to carry water away from the street, and any other necessary or incidental appurtenances as may be required under the street.

"STREET." A dedicated public right-of-way permitting public vehicular traffic.

"SIGNATURE" or "SUBSCRIPTION." Shall include a mark when a person cannot write.

"STATE." The State of North Carolina.

"STATUTES REFERENCES." The General Statutes of North Carolina shall be cited to throughout this code as "G.S."

"STREET." Any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge, and the approaches thereto within the town and the entire width of the right-of-way between abutting property lines.

"TENANT" or **"OCCUPANT."** Applied to a building or land shall include any person who occupies the whole or part of the building or land, whether alone or with others.

"TOWN." The Town of Wendell, in the County of Wake and the State of North Carolina, except as otherwise provided.

"TOWN LIMITS" or **"CORPORATE LIMITS."** The legal boundary of the Town of Wendell, North Carolina.

"VARIANCE" is a grant of relief from the requirements of the ordinance.

"WRITING" or **"WRITTEN."** Shall include printing and any other mode of representing words and letters.

"YEAR." A calendar year.

II. APPLICABILITY

Rule 2. Applicability of Rules.

These rules shall apply to all meetings of the Board of Commissioners of the Town of Wendell at which the Board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

III. OPEN MEETINGS

Rule 3. Meetings to be Open.

- a)** The public policy of North Carolina and of the Town of Wendell is that the hearings, deliberations, and actions of this Board and its committees shall be conducted openly.

[as required by NC General Statute § 143-318.9]

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

[as required by NC General Statute § 143-318.10 (a)]

- c) For the purposes of the provisions of these rules concerning open meetings, 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 the members of the Board of Commissioners for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the Board of Commissioners. However, a social meeting or other informal assembly or gathering together of the members of the Board of Commissioners does not constitute an official meeting unless called or held to evade the spirit and purposes of the Open Meetings Law.

[as required by NC General Statute § 143-318.10 (b)]

Rule 4. Closed Sessions.

- a) Notwithstanding the provisions of Rule 2, the Board may hold a closed session and exclude the public, but only upon the following circumstances, which are authorized by North Carolina General Statute:
 - 1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this state or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
 - 2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
 - 3) To consult with an attorney employed or retained by the Board of Commissioners in order to preserve the attorney-client privilege between the attorney and the Board of Commissioners, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit the Board of Commissioners to close a meeting that otherwise would be open merely because an attorney employed or retained by the Board of Commissioners is a participant. The Board of Commissioners may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, or administrative procedure. If the Board of Commissioners has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in a closed session, the terms of that settlement shall be reported to the Board of

Commissioners and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.

- 4) To discuss matters relating to the location or expansion of industries or other businesses in the Town of Wendell.
- 5) To establish, or to instruct Town of Wendell staff or negotiating agents concerning the position to be taken by or on behalf of the Board of Commissioners in negotiating (I) the price of other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (II) the amount of compensation or other material terms of an employment contract or proposed employment contract.
- 6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the Board of Commissioners or another body and may not consider or fill a vacancy among its own membership except in open meeting. The final action making an appointment or discharge or removal by the Board of Commissioners having final authority for the appointment or discharge or removal shall be taken in an open meeting.
- 7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- 8) Applies to a local board of education to respond to incidents of school violence or to formulate and adopt school safety components of school improvement plans.
- 9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

- b) The Board may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in Subsection (a) of this rule. A motion based on preventing the disclosure of information that is privileged or confidential shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. Any motion to go into a closed session must be approved by a majority of those Board members present and voting. The Board of Commissioners shall terminate the closed session by majority vote. A motion to adjourn or recess shall not be in order during a closed session.

[NC General Statute § 143-318.11]

IV. ORGANIZATION OF THE BOARD

Rule 5. Organizational Meeting.

At the first regular meeting in December of each odd-numbered year, the first order of business shall be approval of the minutes of the previous meeting. For the second order of business, the newly elected members of the Board shall take and subscribe the oath of office. The third order of business shall be the election of a Mayor Pro Tem.

[NC General Statute § 160A-68 (a) and (b)]

V. REGULAR AND SPECIAL MEETINGS

Rule 6. Regular Meetings.

The Board of Commissioners shall hold two regular meetings per month. One meeting shall be on the second Monday of each month. A second meeting shall be on the fourth Monday of each month. Each of the meetings shall be held at 7:00 p.m. in the Wendell Town Hall. A copy of the Board of Commissioners' current meeting schedule shall be filed with the town clerk.

[Sec. 2 – 105 (a) of the Code of Ordinances § 31.053 (A)]

The Board may hold special work sessions to be called at the discretion of the Mayor or at the request of any two Commissioners. A schedule of any such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings and work sessions. Work sessions and other

informal meetings not held regularly are subject to the same notice requirements as special Board meetings.

Rule 7. Special, Emergency and Adjourned (or Recessed) Meetings

- a) **Special Meetings**--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 by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least 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:

[Sec. 2 – 105 (d) of the Code of Ordinances]

- 1) delivered to the mayor and each Board of Commissioners member or left at his or her usual dwelling place;
- 2) posted on the Board of Commissioners' principal bulletin board, or if none, at the door of the Board of Commissioners' usual meeting room and
- 3) mailed, e-mailed or delivered to each newspaper, wire service, radio station, television station and person who has filed a written request for notice with the town clerk. 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.

[NC General Statute § 143-318.12 (b) and NC General Statute § 160A-71 (b) (1)]

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 calling or scheduling the special meeting shall specify its time, place and purpose. At least 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 of Commissioners' principal bulletin board, or if none, at the door of the Board of Commissioners' usual meeting room and
- 2) mailed, e-mailed or delivered to each newspaper, wire service, radio station, television station and person who has filed a written request for notice with the town clerk. Such notice shall also be mailed or delivered at least 48 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.

[NC General Statute § 160A-71 (b) (1) and NC General Statute § 160A-71 (b) (3)]

- b) **Emergency Meetings**--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. Notice of the meeting 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 town clerk. This notice shall be given either by e-mail, telephone, fax 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.

Emergency meetings shall only be called because of generally unexpected circumstances that require immediate consideration by the town Board of Commissioners. Only business connected with the emergency may be considered at an emergency meeting.

[NC General Statute § 160A-71 (b) (2) and 143-318.12]

- c) **Adjourned (or Recessed) Meetings**--A properly called regular, special or emergency meeting may be adjourned (or recessed) by a procedural motion and adopted as provided in Rule XIV 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 an adjourned (or recessed) session of a properly called regular, special or emergency meeting.

[NC General Statute § 160A-71 (b1)]

- d) **Sunshine List.** Any individual and any newspaper, wire service, radio station, and television station may file a written request with the clerk to the Board of Commissioners for notice of all special meetings of the Board. Request by individuals and news organizations must be renewed annually by the second meeting in December of each year and are not subject to any fee.

[NC General Statute § 143-318.12 (b)]

Rule 8. Broadcasting and Recording of Meetings.

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

[NC General Statute § 143-318.14]

It is the intention of the Board of Commissioners to have all regular Board meetings on East Wake TV as soon as funding allows it.

VI. AGENDA

Rule 9. Agenda.

The Town Manager shall prepare a proposed agenda for each meeting.

[Sec. 2 – 107 (a) (1) (a) of the Code of Ordinances]

A request to have an item of business placed on the agenda must be received at least two working days before the meeting.

[Sec. 2 – 107 (a) (1) (b) of the Code of Ordinances]

Any commissioners or the mayor may have an item placed on the proposed agenda so long as the request is timely and is consistent with the notice requirements of Rule II, if applicable.

[Sec. 2 – 107 (a) (1) (c) of the Code of Ordinances]

To be included on the written, distributed agenda, the item needs to be sent in writing or via electronic mail at least ten calendar days prior to the meeting. This allows the staff sufficient time to conduct research and prepare background information on the item. This will not preclude anyone from placing an item on the agenda at the approval of the agenda during the meeting, itself.

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 distributed to Board of Commissioners members. The Board of Commissioners may by majority vote add items to the agenda, except that only business connected with the emergency may be considered at an emergency meeting.

[Sec. 2 – 107 (a) (1) (f) of the Code of Ordinances]

Rule 10. Consent Agenda.

Agenda items that are deemed by the Town Manager as generally non-controversial; including but not limited to, Approval of Minutes, Budget Amendments, etc., may be combined into a single agenda item titled “Items for Consent.” All matters contained in Items for Consent will be acted upon by single motion and by single vote. Any member of the Board of Commissioners may object to the inclusion of any item or items contained in the Items for Consent. If such an objection is raised, the item or items so noted must be removed from Items for Consent and placed as additional individual items in the agenda and acted upon accordingly.

[town procedures]

RULE 11. Progression of Agenda Items.

- The agenda item is introduced by the staff or the Mayor.
- The Mayor asks if there are any questions.
- The Mayor calls for a motion.
- A motion is made. (The motion is to be stated clearly.)
- The Mayor states the motion made and opens the table for discussion.
- A vote is taken.

[Loose interpretation of Sec. 2 – 107 (a) (2) of the Code of Ordinances]

RULE 12. Public Address to the Board of Commissioners.

Any individual or group who wishes to address the Board of Commissioners shall make a request to be on the agenda to the Town Manager.

[modification of Sec. 2 – 107 (a) (1) (b) of the Code of Ordinances]

The Board of Commissioners shall also set aside part of each regular meeting for individuals or groups to address the Board of Commissioners.

[NC General Statute § GS 160A-81.1]

RULE 13. Order of Business.

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:

- Adjustment and approval of the agenda,
- Public comment period,
- Consent Agenda,
- Presentations,
- Public hearings,
- Administrative items,
- Other business,
- Commissioners' reports / comments,
- Mayor's reports / comments,
- Closed session (if applicable)
- Adjourn

[Loose interpretation of Sec. 2 – 107 (a) (2) of the Code of Ordinances]

By general consent of the Board of Commissioners, items may be considered out of order.

VII. CONDUCT OF DEBATE

RULE 14. Office of the Mayor

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.

[NC General Statute § 160A-69]

In order to address the Board of Commissioners, a member must be recognized by the mayor.

The mayor 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 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.

[town procedures]

RULE 15. Office of the Mayor Pro Tempore

At the organizational meeting, the Board of Commissioners shall elect from among its members a mayor pro tempore to serve at the Board of Commissioners' pleasure.

[Charter Sec. 3.4 of the Code of Ordinances; also NC General Statute § 160A-70 and § 160A-71]

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. 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. 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. If both the mayor and the 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.

[NC GS 160A-70]]

RULE 16. Presiding Officer When the Mayor Is in Active Debate

The mayor shall preside at meetings of the Board of Commissioners unless he or she becomes actively engaged in debate on a particular proposal, in which case he or she shall designate another Board of Commissioners member to preside over the debate. The mayor shall resume presiding as soon as action on the matter is concluded.

[town procedures]

RULE 17. Presiding Officer When the Chair is Active in Debate.

If the Mayor, Mayor Pro Tempore (as appropriate), or other presiding officer wishes to debate a proposal actively, he or she shall designate another Board member to preside. The Mayor, Mayor Pro Tempore (as appropriate), or other presiding officer shall resume the duty to preside as soon as action on the matter is concluded.

[town procedures]

Rule 18. Action by the Board.

The Board shall proceed by motion that is made. Any Commissioner, including the Mayor Pro Tempore, may make a motion. A second is not required.

[town procedures]

Rule 19. One Motion at a Time.

A member may make only one motion at a time.

[town procedures]

Rule 20. Substantive Motion.

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

Rule 21. Adoption by Majority Vote.

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

Rule 22. Debate.

The Mayor (or individual presiding) shall state the motion and then open the floor to debate, presiding according to these general principles:

- 1) The member making the motion or introducing the ordinance, resolution, or order may speak first.
- 2) To the extent possible, the debate shall alternate between opponents and proponents of the measure.

[town procedures]

Rule 23. Procedural Motions.

- a) In addition to substantive proposals, 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 majority vote for adoption.
- b) In order of priority (if applicable), 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 Suspend the Rules.* The motion requires a vote equal to a quorum.
 - 5) *To Divide a Complex Motion.*
 - 6) *To Defer Consideration (also refers to “tabled” items.)* A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.
 - 7) *To Call the Previous Question.* The motion is not in order until every member has had opportunity to speak.
 - 8) *To Postpone to a Certain Time or Day.*
 - 9) *To Refer to Committee.* Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Board, regardless of whether the committee has reported the matter back to the Board.
 - 10) *To Amend.* An amendment to a motion must be germane to the subject of the motion, but it may not achieve the opposite effect to the motion. There may be an amendment to the motion and an amendment to an amendment, but no

further amendments. Any amendment to a proposed ordinance shall be reduced to writing.

- 11) *To Revive Consideration.* The motion is in order at any time within one hundred days of a vote deferring consideration. A substantive motion on which consideration has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.
- 12) *To Reconsider.* The motion must be made at the same meeting where the original vote was taken, and by a member who voted with the prevailing side. It cannot interrupt deliberation on a pending matter, but is in order any time before adjournment.
- 13) *To Prevent Reconsideration for Six Months.* An agenda item may not be reconsidered for a period of six months after the initial vote, except by the vote of 4/5 of the Board of Commissioners.

Rule 24. Renewal of Motion.

A defeated motion may not be renewed at the same meeting.

Rule 25. Withdrawal of Motion.

A motion may be withdrawn by the introducer at any time before the chair puts the motion to a vote.

Rule 26. 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 mayor, 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.

[NC General Statute § 160A-75]

Rule 27. 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, then they may be destroyed.

[town procedures and NC GS 143-318.13]

Rule 28. 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 document number being referenced are available for public inspection at the meeting and are so worded that the people at the meeting can understand what is being discussed or acted on.

[town procedures]

Rule 29. Introduction of Ordinances, Resolutions, and Orders.

A proposed ordinance shall be deemed introduced on the date the subject matter is first voted on by the Board.

[NC General Statute § 160A-75]

Rule 30. 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 similar ordinance requiring a public hearing before adoption) must be approved by two-thirds of the 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.

[NC General Statute § 160A-75]

RULE 31. Adoption of the Budget Ordinance

Notwithstanding the provision of any town 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 of Commissioners 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 of Commissioners; 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.

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.

This rule does not allow, and may not be construed to allow, the holding of closed meetings or closed sessions by the Board of Commissioners if it is otherwise prohibited by law from holding such a meeting or session.

[NC General Statute § 159-17 with minor modifications]

RULE 32. Quorum

A majority of the actual membership of the Board of Commissioners, excluding vacant seats, shall constitute a quorum. 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.

[NC General Statute § 160A-74]

RULE 33. Public Hearings

Public hearing 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 for each speaker and other pertinent matters. The rules may include, but are not limited to, rules:

- 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 for those excluded from the hall to listen to the hearing); and
- 4) Providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirement 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. 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 IIC shall be followed in continuing a hearing at which a majority of the Board of Commissioners is present.

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.

[NC General Statute § 160A-81]

RULE 34. 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.

[NC General Statute § 160A-81]

RULE 35. Minutes

Full and accurate minutes of the Board of Commissioners proceedings shall be kept and shall be open to the inspection of the public, except as otherwise provided in this rule, within seven calendar days of the date of the meeting. The results of each vote shall be recorded in the minutes, and the ayes and noes upon any question shall be taken.

Full and accurate minutes shall be kept of all actions taken during closed sessions. Minutes and other records of a closed session shall be sealed upon adoption and withheld from public inspection, for so long as public inspection would frustrate the purpose of the closed session. On January 1, or shortly thereafter each year, the Town Clerk, with the approval of the Town Manager, shall unseal all closed session minutes from the prior year(s), if appropriate.

[NC General Statute § 160A-72]

[Code of Ordinances Sec. 2 – 113]

RULE 36. Appointments

The process for appointments to boards and commissions shall be as follows:

1. The town clerk advertises opportunities for service at the beginning of each year, or as necessary. Each time the Board of Commissioners wishes to fill an advisory board vacancy, the Board of Commissioners establishes a deadline for receipt of the advisory board applications.
2. Interested citizens fill out applications and return them to the town clerk. If an applicant is interested in serving on multiple boards, the applicant should prioritize his/her preferences for board appointments.
3. The town clerk marks each application with a date stamp to show the date the application is received and enters all of the applications into a tracking table, which lists the names of citizens and the boards for which they wish to apply. This document is an internal document used by the clerk's staff for tracking purposes.
4. A letter is sent to applicants acknowledging receipt and thanking them for their application and noting the approximate schedule for appointments by the Board of Commissioners.
5. The town clerk fills-out the advisory board vacancies chart, which lists boards with openings and the schedule for consideration of appointment

- by the Board. This chart is an internal document used by the clerk's staff for tracking purposes.
6. Copies of applications are filed in the folder of each board for which each person applied.
 7. Board members may not serve more than two consecutive full terms on any one particular advisory board. Consideration will be given to sitting members of an advisory board for reappointment to a second term; however, appointment for a second term is not guaranteed.
 8. Immediate family members, as defined by the Town of Wendell Personnel Policy, of any elected official cannot be appointed to an advisory board / commission.
 9. Town employees (full-time or part-time) cannot be appointed to an advisory board / commission.
 10. Contractors / contract employees of the town cannot be appointed to an advisory board / commission.
 11. At a regular meeting, the Board of Commissioners will vote on appointments to the various boards and commissions. Voting on advisory board appointments will be done by written ballot. Applicants must receive an affirmative vote from a majority of the Board members present and voting to be appointed. After each round of balloting, votes will be counted to determine if sufficient votes have been received by candidates for appointment. Once an applicant receives the majority of votes by the Board needed for appointment, his/her name will be removed from the ballot for any subsequent balloting, and he/she will be considered appointed. Additionally, the name of the lowest vote-getter from that round of voting (along with the names of anyone else who ties as the lowest vote getter for that particular round of voting) will also be removed from any subsequent ballot until the point in time when the proper number of board appointments has been made. If the applicant is appointed, a letter is mailed to their residence.
 12. In general, appointees will start their new positions on July 1st of the new fiscal year.
 13. No person can serve on multiple standing town advisory boards / commissions at the same time.
 14. For those applicants not chosen, a letter is sent to them informing them that they were not chosen. Advisory Board applications will be kept on file for a period of at least twelve (12) months for consideration of

appointments to fill vacancies that may arise during the middle of a year. In order to ensure that information received is up-to-date, after annual appointments are made, anyone wishing to have an application considered in the future should submit a new application.

[town procedures]

RULE 37. Committees and Boards

The Board of Commissioners or the mayor, as appropriate, may establish and appoint members for such temporary and standing committees and boards as are needed to help carry on the work of municipal government. Any specific provisions of law relating to particular committees and boards shall be followed.

The requirements of the Open Meetings Law shall apply to all committees and boards that are established by the Board of Commissioners.

[NC General Statute § 143-318.10,160A-146 and town procedures]

RULE 38. Reference to Robert's Rules of Order

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 the most recent copy of *Robert's Rules of Order, Newly Revised*, to answer unresolved procedural questions.

- Initially effective on the 1st day of August, 2008. Initially adopted on the 14th day of July, 2008.
- Revised on the 8th day of June, 2009.
- Adopted as shown on the 12th day of April, 2010.
- Revised and adopted on 23rd day of May 2016.

Virginia Gray, Mayor

ATTEST:

Sherry L. Scoggins, Town Clerk