

# Rules of Procedure for the Town Council, Town of Stallings

## Rule 1. Regular Meetings

The council shall hold a regular meeting on the second and fourth Mondays of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day, unless the Council votes to change the meeting to another time. The meetings shall be held at the Stallings Town Hall and the meetings shall begin at 7:00 p.m. A copy of the council's current meeting schedule shall be filed with the town clerk.

## Rule 2. Special, Emergency, and Recessed (or Adjourned) Meetings

**(a) Special Meetings.** The mayor, the mayor pro tempore, or any two members of the council may at any time call a special council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the mayor and each council member or left at his or her usual dwelling place; (2) posted on the council's principal bulletin board, or if none, at the door of the council's usual meeting room; 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 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. Even in such a case, the council 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 council in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the council's principal bulletin board, or if none, at the door of the council's usual meeting room; 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 town clerk. Such notice shall also be mailed or delivered at least forty-eight hours before the meeting to each council 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 council 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 city council may be called only because of generally unexpected circumstances that require immediate consideration by the council. 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 council.

(1) The mayor, the mayor pro tempore, or any two members of the council may at any time call an emergency council 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 council member or left at his or her usual dwelling place at least six hours before the meeting.

(2) An emergency meeting may be held at any time when the mayor and all members of the council are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the council complies with the notice provisions of the next paragraph.

Notice of an emergency meeting under (1) or (2) shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire service's, or station's telephone number, with the town clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the council members and shall be given at the expense of the party notified.

**(c) Recessed (or Adjourned) Meetings.** A properly called regular, special, or emergency meeting may be recessed (or adjourned) to a time and place certain by a procedural motion made and adopted as provided in Rule 18, Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed (or adjourned) session of a properly called regular, special, or emergency meeting.

**(d) Cancelled Meetings.**<sup>5\*</sup> A properly called regular, special, or emergency meeting may be cancelled due to inclement weather, lack of agenda items, or another significant reason by the Mayor with the majority consent of Council. The cancellation shall be communicated immediately to the Council and to the public via the Town's normal communication channels. *\*Added 01-12-15.*

### **Rule 3. Organizational Meeting**

On the first regular meeting<sup>4</sup> in December following a general election in which council members are elected, the newly elected members shall take and subscribe the oath of office as the first order of business. As the second order of business, the council shall elect a mayor pro tempore. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes.

### **Rule 4. Agenda**

(a) **Proposed Agenda.** The town clerk 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 two full working days before the day of the meeting. Any council member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed ordinances shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each council member shall receive a copy of the proposed agenda and the agenda package and these shall be available for public inspection and distribution or copying when these are distributed to the council members.

(b) **Adoption of the Agenda.** As its fifth<sup>2</sup> order of business at each meeting, the council 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 council may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all council members.

The council may by majority vote add items to or subtract items from the proposed agenda, except that

(a) the council may not subtract items from the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless those calling the meeting consent to the deletion, (b) the council 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 council members, unless all members are present, or those who are absent sign a written waiver of notice, and (c) only business connected with the emergency may be considered at an emergency meeting. The council 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.

The council may designate certain agenda items “for discussion and possible action.” Such designation means that the council intends to discuss the general subject area of that agenda item before making any motion concerning that item.

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

(d) **Open Meetings Requirements.** The council 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 council to understand what is being deliberated, voted, or acted on. The council 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 5. Public Address to the Council<sup>1</sup>**

The Stallings Town Council is committed to providing citizens with an avenue for expressing their ideas, concerns, accolades, etc. The following are rules of procedure for conducting an orderly public comment period. The Council at its discretion may amend, waive, or extend any of these procedures.

1. A Public Comment Period shall be placed on the agenda of each regular Town Council meeting. Said agenda item shall occur at the beginning of the agenda.
2. Each person desiring to speak during the Public Comment Period shall sign up to speak prior to the start of the meeting on the form provided by the Town and submit it to the Town Clerk before the meeting begins. Council, in its discretion, may extend the time to submit the form to the Town Clerk.
3. Council may shorten or extend public comment period at its discretion. Public comments will be heard in order submitted.
4. Each speaker shall be allotted up to three (3) minutes to speak unless otherwise extended at the discretion of the Council.
5. Speakers shall at all times maintain proper decorum and shall make their comments in a civil manner. Speakers shall remain at the podium to make comments and not approach Council or

staff without an invitation from the Council.

6. Groups of five (5) persons or more supporting or opposing the same positions may request to designate a spokesperson to speak. The spokesperson may request additional time to speak beyond the allotted 3 minutes.
7. Speakers shall not speak on any topic which is the subject of a public hearing on the same agenda.
8. Mayor and Council should refrain from engaging in a dialogue with speakers except to the extent necessary to clarify the speaker's position or subject matter. At the conclusion of the speaker's comments or the Public Comment Period, the Council, in its discretion may allow the Town Manager, Town Attorney or staff to address the speaker.
9. Mayor and Council shall not restrict the subject matter of any comment based on content in any way except as provided herein.

## **Rule 6. 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<sup>3</sup>:

Public comment  
 Special Presentations  
 Consent Agenda Adoption including but not limited to minutes and any financial and tax reports  
 Reports and Requests from elected officials, staff, departments, and committees  
 Agenda Adoption  
 Public Hearings  
 Old business  
 New business

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

## **Rule 7. Office of Mayor**

The mayor shall preside at all meetings of the council but shall have the right to vote only when there is a tie. In order to address the council, a member must be recognized by the mayor.

The mayor or other presiding officer, if the Mayor is absent, shall have the following powers:

- (a) To rule motions in or out of order, including any motion patently 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 entertain and answer questions of parliamentary law or procedure;
- (d) To call a brief recess at any time;
- (e) To adjourn in an emergency.

A decision by the presiding officer under (a), (b), or (c) may be appealed to the council upon motion of any member, pursuant to Rule 18(b), Motion 1. Such a motion is in order immediately after a decision under (a), (b), or (c) 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 8. Office of Mayor Pro Tempore**

At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the council's pleasure. A council member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a council member for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the council 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 council 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 council concurs, the mayor shall resume the exercise of his or her powers and duties. If both the mayor and mayor pro tempore are absent from a meeting, the council may elect from among its members a temporary chairman to preside at the meeting.

**Rule 9. When the Presiding Officer Is in Active Debate**

If the mayor or other presiding officer becomes actively engaged in debate on a particular proposal, he or she may designate another council 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 10. Action by the Council**

The council shall proceed by motion, except as otherwise provided for in Rule 4 and in Rule 31. Any member may make a motion.

**Rule 11. Second Required**

A motion shall require a second.

**Rule 12. One Motion at a Time**

A member may make only one motion at a time.

**Rule 13. Substantive Motions**

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

### **Rule 14. Adoption by Majority Vote**

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 27 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

### **Rule 15. Voting by Written Ballot**

The council may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the council shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the town 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 16. Debate**

The mayor shall state the motion and then open the floor to debate on it. The mayor shall preside over the debate according to the following general principles:

- (a) The maker of the motion is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (c) To the extent possible, the debate shall alternate between proponents and opponents of the measure.

### **Rule 17. Ratification of Actions**

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

### **Rule 18. 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 (if applicable), the procedural motions are

**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 council, 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.** This motion may be made only at the conclusion of council consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess or adjourn to a time and place certain shall also comply with the requirements of Rule 2(c).

**Motion 3. To Take a Brief Recess.**

**Motion 4. Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

**Motion 5. To Suspend the Rules.** The council may not suspend provisions of the rules that state requirements imposed by law on the council. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the council, excluding the mayor, and vacant seats.

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

**Motion 7. To Leave Closed Session.**

**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.

**Motion 9. To Defer Consideration.** The council may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 18(b), Motion 14], or else move to suspend the rules [Rule 18(b), Motion 5].

**Motion 10. Motion for the Previous Question.** The motion is not in order until there have been at least 20 minutes of debate, and every member has had an opportunity to speak once.

**Motion 11. To Postpone to a Certain Time or Day.** If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules [Rule 18(b), Motion 5].

**Motion 12. To Refer a Motion to a Committee.** The council may vote to refer a substantive motion to a committee for its study and recommendations. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire council, whether or not the committee has reported the matter to the council.

**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, order, 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 Motion 9 of Rule 18(b). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

**Motion 15. To Reconsider.** The council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess (adjournment) to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

**Motion 16. To Rescind or Repeal.** The council 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 of the actual membership of the council 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 council, whichever occurs first.

## **Rule 19. Renewal of Motion**

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

## **Rule 20. 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 21. Duty to Vote**

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the

consideration of his or her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

## **Rule 22. Introduction of Ordinances**

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

## **Rule 23. Adoption of Ordinances and Approval of Contracts**

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

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

## **Rule 24. Adoption of the Budget Ordinance**

Notwithstanding the provisions of any 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 council 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 council; 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 council and ending with the adoption of the budget ordinance, the council 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 construed to allow, the holding of closed meetings or executive

sessions by the council if it is otherwise prohibited by law from holding such a meeting or session.

### **Rule 25. Special Rules of Procedure**

These rules supersede any other rule or rules of procedure previous adopted by act of the town council and all such previously adopted rules are null and void.

### **Rule 26. Closed Sessions**

The council may hold closed sessions as provided by law. The council shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. 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, 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 council shall terminate the closed session by a majority vote.

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.

### **Rule 27. Quorum**

A majority of the actual membership of the council 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 28. Public Hearings**

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

All notice and other requirements of the open meetings law applicable to council meetings shall also apply to public hearings at which a majority of the council is present; such a hearing is considered to be

part of a regular or special meeting of the council. These requirements also apply to hearings conducted by appointed or elected committees of the council, 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 2(c) shall be followed in continuing a hearing at which a majority of the council is present.

The council 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 council. The council shall provide adequate guidelines to assist staff members in fulfilling this responsibility, and it shall not delegate the responsibility in cases where the council itself is required by law to call, schedule, or give notice of the hearing.

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 that has not done so, the presiding officer shall declare the hearing ended.

### **Rule 29. Quorum at Public Hearings**

A quorum of the council 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 council meeting without further advertisement.

### **Rule 30. Minutes**

Full and accurate minutes of the council proceedings, including closed sessions, shall be kept. 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. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the council, the “ayes” and “nos” upon any question shall be taken. Members’ and other persons’ comments may be included in the minutes if the council approves.

Minutes and general accounts of closed sessions may be sealed by action of the council. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session. Minutes and general accounts of closed sessions shall be unsealed when the Council determines that the purpose of the closed sessions would no longer be frustrated by making these records public.

### **Rule 31. Appointments and Resignations<sup>6,7</sup>**

**(a) Appointments.** The council shall consider and make appointments to other bodies, including its own committees, if any, only in open session and in accordance with the *Committee and Board Member Appointment Policy*.

The council shall consider and make appointments to fill a vacancy within its own membership only in open session and in accordance with the procedure documented herein.

- i. When a vacancy on the council occurs, council shall direct the Town Clerk to advertise the vacancy, using normal advertising mediums, for a minimum of ten (10) working days. The advertisement shall contain, at a minimum, a description of the council district in which the

- vacancy exists, the duration of the term of the appointment, contact information for letter of interest submission, and the last date and time that letters of interest will be accepted.
- ii. Letters of interest shall be accepted from applicants of the council district in effect at the time of the vacancy. In the event that a vacancy occurs after the decennial council district apportionment process where the council district map is redrawn and filed but before the first filing date for the next municipal election, the vacancy shall be filled from applicants within the borders of the district in effect prior to the council district borders being redrawn. Otherwise the vacancy shall be filled from within the borders of the newly formed district.
  - iii. After the advertised window for submission of letters of interest has closed, the Town Clerk shall review the letters of interest to ensure that applicants meet all age and residency requirements as required by North Carolina General Statutes (NCGS), the Town Charter and this procedure. All letters of interest from those candidates who meet age and residency requirements shall be delivered to all council members.
  - iv. Depending on the number of candidates, council may invite the candidates to the next regularly scheduled council meeting so that the candidates have the opportunity to present their interest and qualifications in person.
  - v. At that regularly scheduled meeting, council shall select a candidate for appointment to fill the vacant council seat.
    - a. When there is only one (1) candidate, a council member may make a motion, which shall require a second, to appoint that candidate to fill the vacancy. A vote will be called to approve or deny the motion. In the event of a tie vote, the Mayor shall be enabled to cast a vote to break the tie. In the event that the motion fails, the process shall start over with a new advertisement.
    - b. When there are two (2) candidates, a council member may nominate a candidate for appointment to fill the vacancy. A nomination does not require a second. A vote will be called to appoint a nominee in the order in which the candidate nominations were made. As soon as a nominee receives a majority of affirmative votes that nominee shall be appointed and voting shall cease.
    - c. When there are more than two (2) candidates, voting for candidates shall be by written ballot in accordance with Rule 15 of these *Rules of Procedure*. A candidate who receives a majority of affirmative votes shall be appointed. In the event of a tie vote by ballot, candidates receiving fewer votes than those candidates in the tie vote shall be removed from consideration and a new ballot vote shall be taken with only the remaining candidates listed on the ballot. Ballot voting shall continue in this manner until the vote does not result in a tie and a candidate receives a majority of affirmative votes.
  - vi. At council's discretion the appointee may be sworn in at that regularly scheduled meeting or at a subsequent meeting.

**(b) Resignations.** The Council shall consider, and vote to accept, any resignation of office or position tendered by any Town official elected by the general public, any employee hired or appointed by Council, or any committee or board member appointed by Council, no later than the first regularly scheduled meeting following the date on which the resignation was initially tendered. *\*Added 02-09-15.*

## **Rule 32. Committees and Boards\***

**(a) Establishment and Appointment.** The council may establish temporary and standing Town committees and boards and appoint members for such committees and boards as are needed to help carry

out the work of Town government. Council delegates that same authority to the mayor except in instances where the exercise of such authority by the mayor would conflict with a council action; in case of a conflict the council action shall prevail. Appointment of Town residents to temporary and standing Town committees and boards shall be done in accordance with Rule 31 of these *Rules of Procedure*. Any specific provisions of law relating to particular committees and boards shall be followed.

**(b) Open Meetings Law.** The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, 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.

### **Rule 33. 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 of all the actual membership of the council, excluding vacant seats.

### **Rule 34. Reference to *Robert's Rules of Order Newly Revised***

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the council shall refer to *Robert's Rules of Order Newly Revised*, to answer unresolved procedural questions.

## Appendix

### Permitted Procedural Motions in Order of Precedence<sup>A</sup>

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

8. To Divide a Complex Motion and Consider it by Paragraph	Majority	None
9. To Defer Consideration	Majority	<p>A substantive motion the consideration of which has been deferred expires [<u>100</u>] days thereafter unless a motion to revive consideration (Motion 14) is adopted. While a deferred motion remains pending, a new motion with the same effect cannot be introduced.</p> <p><b>CAUTION:</b> Do not confuse with Motion 11.</p>
10. Motion for the Previous Question	Majority	<p>Not in order until there have been at least [<u>20</u>] minutes of debate, and every member has had an opportunity to speak once.</p>
11. To Postpone to a Certain Time or Day	Majority	<p>None. While a postponed motion remains pending, a new motion with the same effect cannot be introduced. <b>CAUTION:</b> Do not confuse with Motion 9.</p>
12. To Refer a Motion to a Committee	Majority	<p>[<u>60</u>] days or more after a motion is referred to a committee, the introducer may compel consideration of the measure by the council, regardless of whether the committee has reported the matter to the council.</p>
13. To Amend	Majority	<p>(a) Amendments must be pertinent to the subject matter of the motion being amended. An amendment is improper if adoption of the motion with that amendment added has the same effect as rejection of the original motion. A proposal to substitute a different motion shall be treated as a motion to amend. (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote. (c) Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.</p>
14. To Revive Consideration	Majority	<p>In order at any time within [<u>100</u>] days after the day of a vote to defer consideration (Motion 9). Failure to adopt Motion 14 within the [<u>100</u>] day period results in expiration of the deferred substantive motion.</p>

15. To Reconsider	Majority	Must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the “nos” prevail). May only be made at the meeting at which the original vote was taken, including any continuation of that meeting through [recess] [adjournment] to a time and place certain. Cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.
16. To Rescind or Repeal	Majority	Not in order if rescission or repeal of an action is forbidden by law.
17. To Prevent Reintroduction for [Six] Months	Two-Thirds	In order immediately following defeat of a substantive motion and at no other time. If adopted, the restriction imposed by the motion remains in effect for [six] months or until the next organizational meeting of the council, whichever occurs first.

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A. Under these rules all procedural motions are debatable and none requires a second. All may be amended, subject to the stated limitations on motions to amend (Motion 13). Except where indicated otherwise, procedural motions may interrupt deliberations on a pending substantive matter.

B. The required vote for adoption of a procedural motion is generally a majority of the votes cast, a quorum being present. In a few cases, the required vote is a vote equal to two-thirds of the actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats.

The foregoing Rules of Procedure are based on material in “Suggested Rules of Procedure for a City Council,” 3d ed., by A. Fleming Bell, II (Chapel Hill, N. C.: The Institute of Government, The University of North Carolina, 2000)

Adopted Feb. 5, 2001

Re-adopted December 9, 2013

Re-adopted December 14, 2015

<sup>1</sup> This item was amended on September 25, 2006.

<sup>2</sup> This item was amended on June 27, 2011.

<sup>3</sup> This item was amended on June 27, 2011.

<sup>4</sup> This item was amended on October 10, 2011.

<sup>5</sup> This item was amended on January 12, 2015.

<sup>6</sup> This item was amended on February 9, 2015.

<sup>7</sup> This item was amended on October 12, 2015.

<sup>8</sup> This item was amended on December 14, 2015.