



BOARD AND COMMITTEE RULES OF PROCEDURE

Effective: February 17, 2022

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Applicability of Rules

These rules apply to all meetings of the Town boards and committees. For purposes of these rules, a meeting of the boards or committees occurs whenever a majority of the members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the boards and committees real or apparent jurisdiction. The term “majority” as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half. The term “board” or “boards” when used in this policy shall include all boards and committees and task forces of the Town of Leland unless otherwise stated.

1 Regular Meetings

Rule 1: Regular Meetings

Boards shall hold regular meetings in accordance with the annual schedule adopted by each board. A copy of the current meeting schedule for all boards shall be filed with the Town Clerk.

2 Special and Recessed or Adjourned Meetings

Rule 2: Special and Recessed or Adjourned Meetings

Special Meetings. The chair or a majority of the members may at any time call a special meeting of the board. 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) given to each board member; (2) posted on the board’s principal bulletin board or, if none, at the door of the board’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.

A special meeting may also be called or scheduled by vote of the board in open session during another duly called meeting. The motion or resolution 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 board’s principal bulletin board or, if none, at the door of the board’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 board member not present at the meeting at which the special meeting was called or scheduled.

Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless (1) all members are present and (2) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

Recessed or Adjourned Meetings. A properly called regular or 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 16(b), Motion 2, in open session during the regular or special, ~~or emergency~~ meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed or adjourned session of a properly called regular or special, ~~or emergency~~ meeting.

3 Organizational Meetings

Rule 3: Organizational Meeting

At the first regular meeting in July for both Planning and Parks and Recreation Boards, any newly appointed board members shall take and subscribe the oath of office as the first order of business. The second order of business for both Planning and Parks and Recreation Boards shall be to elect a chair and vice chair using one of the nomination and voting procedures set out in Rule 25.

Only members of the Planning and Parks and Recreation Boards shall take and subscribe the oath of office.

The other Committees shall elect a chair and vice chair at their first meeting after June 30 and shall be elected using one of the nomination and voting procedures set out in Rule 25. The chair for any other committee shall be appointed by the Board which oversees the committee.

4 Agenda

Rule 4: Agenda

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 working days before the meeting. Any board member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed orders, policies, regulations, and resolutions 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 member shall receive a copy of the proposed agenda and the agenda package, and they shall be available for public inspection and/or distribution when they are distributed to the board members.

Adoption of the Agenda. As its first order of business at each meeting, the board shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. The board may by majority vote add items to or subtract items from the proposed agenda, except that the board may not add items to the agenda of a special meeting unless (a) all members are present and (b) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the board may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all board members.

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

Open Meetings Requirements. The board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the board to understand what is being deliberated, voted, or acted on. However, the board may 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. A member who is not physically present for a Council board or committee meeting may not participate in the meeting by electronic means.

5 Public Address to the Board

Rule 5: Public Address to the Board

The public comment portion of the agenda provides a time for members of the public to address the board. Any individual or group who wishes to address the board during a meeting shall first make a request to the Town Clerk to be placed on the agenda under the public comment portion of the agenda. Each speaker or group that makes such a request will be allotted a maximum of three minutes to address the board during the public comments portion of the board Meeting. Board members should refrain from engaging in a debate with speakers during public comment.

The board may, upon motion and an affirmative vote of the majority the Board Members present and voting, recognize an individual or group and allow the individual / group to speak outside of the public comment portion of the board meeting. In such instances, the recognized speaker or group shall limit comments to the item then under consideration by the board. Any comments made unrelated to the matter under consideration are out of order and the presiding Board member should note the same.

6 Order of Business

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:

- Call to Order
- Pledge of Allegiance
- Approval of the Agenda
- Approval of Minutes
- Public Comment
- Other Discussion
- Action Items
- Old/New Business
- Staff/Committee Monthly Reports
- Adjournment

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

7 Presiding Officer

Rule 7: Presiding Officer

The chair of the board shall preside at board meetings. The chair may vote in all cases. In order to address the board, a board member must be recognized by the chair. If the chair is absent, the vice-chair shall preside. If both the chair and vice-chair are absent, another member designated by vote of the board shall preside. If any member of the board determines another member continually seeks the floor and speaks out of turn, that member may be called to order and reminded of the proper rules of debate.

The presiding officer 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 their 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; and
- e) To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed may be appealed to the board upon motion of any member, pursuant to Rule 16, Motion 1. Such a motion is in order immediately after a decision under those powers 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.

8 Action by the Board

Rule 8: Action by the Board

The board shall proceed by motion, except as otherwise provided for in Rules 3, 4, and 25. Any member, including the chair, may make a motion.

9 Second Required

Rule 9: Second Required

Each motion requires a second.

10 One Motion at a Time

Rule 10: One Motion at a Time

A member may make only one motion at a time.

11 Substantive Motions

Rule 11: Substantive Motions

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

12 Adoption by Majority Vote

Rule 12: Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 22 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

13 Voting by Written Ballot

Rule 13: Voting by Written Ballot

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

14 Debate

Rule 14: Debate

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

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

15 Ratification of Actions

Rule 15: Ratification of Actions

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

16 Procedural Motions

Rule 16: Procedural Motions

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.

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 their remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Motion 2. To Adjourn. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to adjourn to a time and place certain shall also comply with the requirements of Rule 2(c).

Motion 3. To Take a Brief Recess. Any member of the board may make a motion to take a brief recess for the purpose of causing the board to pause briefly in its proceedings.

Motion 4. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or it is waived.

Motion 5. To Suspend the Rules. The board may not suspend provisions of the rules that state requirements imposed by law on the board. For adoption, the motion requires an affirmative vote equal to a majority of the entire membership of the board. A majority is more than half.

Motion 6. 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 7. To Defer Consideration. The board may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has

been deferred, a new motion with the same effect cannot be introduced while the deferred motion (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion (Rule 16(b), Motion 14), or else move to suspend the rules (Rule 16(b), Motion 5).

Motion 8. 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 9. 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 person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules (Rule 16(b), Motion 5).

Motion 10. To Refer a Motion to a Committee. The board 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 board, whether or not the committee has reported the matter to the board.

Motion 11. To Amend.

- 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.
- 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.
- Any amendment to a proposed order, policy, or regulation shall be reduced to writing before the vote on the amendment.

Motion 12. To Revive Consideration. The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 16(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 13. To Reconsider. The board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the “no’s” prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through 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 14. To Rescind or Repeal. The board may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

Motion 15. 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 entire membership of the board. If adopted, the restriction imposed by

the motion remains in effect for six months or until the next organizational meeting of the board, whichever occurs first.

17 Renewal of Motion

Rule 17: Renewal of Motion

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

18 Withdrawal of Motion

Rule 18: Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

19 Duty to Vote

Rule 19: Duty to Vote

Members who are absent from a meeting are considered absent and no vote of any kind is recorded for that absent member. If a member is absent at the beginning of a meeting but comes to the meeting before it adjourns, the clerk shall mark the member absent until such time as the member arrives at which point the member will be marked present. Every member physically present in the board chamber must vote unless excused by the remaining members of the board. A member who is physically present in the board chamber and wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members.

No member who is physically present in the board chamber shall be excused from voting except when:

- G.S. § 14-234: Voting will result in a criminal penalty,
- G.S. § 14-234.3 Local public officials participating in contracts benefiting nonprofits with which associated,
- G.S. § 160A-75: The matter before the board/committee involves your official conduct or personal financial interest,
- G.S. § 160A-381(d): The matter before the board/committee is a zoning map or text amendments, and the vote is reasonably like to have a direct, substantial, or readily identifiable financial impact on you,
- G.S. § 160D-109 Legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member,
- G.S. § 160D-109 Member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker, and
- The board is applying adopted policies to individual situations (hearing an appeal of a zoning ordinance, granting variances to a zoning ordinance, or granting a conditional use permit), and you have a fixed opinion on the matter, you have had secret communication with someone who may be affected by the decision, have a family or business relationship with someone who may be affected by the decision, or have a financial interest in the outcome of the decision,

Questions about whether a basis for excusal exists should be directed to the Town Attorney.

In all other cases, a failure to vote by a member who is physically present in the board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be

recorded as an affirmative vote.

Once Excused. Any member excused from voting shall step down from the dais and exit the meeting room until such time as the matter necessitating the excusal is no longer under consideration.

20 Special Rules of Procedure

Rule 20: Special Rules of Procedure

The boards, committees and task forces may not adopt their own special rules of procedure. Each board or committee shall include a Council Liaison, a member of the Town Council, who is appointed by the Mayor. The Council Liaison attends the meetings and reports back to Council all happenings and outcomes of the meeting. The Council Liaison will not take part in board or committee debates, nor any vote taken during the meeting. If the board or committee has a question for the Town Council, the Chairman shall make a request to staff that they report such matters to the Council. In cases where the Councilmembers are considered active members of a board, committee or task force, the rules set forth herein limiting the participation of a Council Liaison shall not apply.

21 Quorum

Rule 21: Quorum

A majority of the actual membership of the board excluding vacant seats shall constitute a quorum. A majority is more than half. The chair shall be considered a member of the board in determining the number on which a majority is based and in counting the number of members actually present. 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.

22 Public Hearings

Rule 22: Public Hearings

Public hearings required by law or deemed advisable by the board shall be organized by a special order that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The special order is adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker (three minutes); providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; 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 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 board meetings shall also apply to public hearings at which a majority of the board is present; such a hearing is considered to be part of a regular or special meeting of the board. These requirements also apply to hearings conducted by appointed or elected committees of board members, if a majority of the committee is present. A public hearing for which any required notices 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 board, or of a board committee, as applicable, is present.

At the time appointed for the hearing, the chair or his or her designee shall call the hearing to order and

then preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

23 Minutes

Rule 23: Minutes

Full and accurate minutes of the board or committee proceedings shall be kept by the Town Clerk. 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 board, the entire board shall be polled by name on any vote. Members' and other persons' comments may be included in the minutes if the board approves.

Minutes of proceedings of the board or committee which have not been fully approved by the board or committee, and which are considered in "draft" form will only be furnished upon request. When formally approved by the board or committee, such minutes shall be published and available for review by the public.

24 Broadcasting and Recording Meetings

Rule 24: Broadcasting and Recording Meetings

Right to Broadcast and Record. Any person may photograph, film, tape-record, or otherwise reproduce any part of a board or committee meeting that must take place in open session. Except as provided in the "Alternative Meeting Site" section of this rule, any radio or television station may broadcast any such part of a board or committee meeting.

Equipment Placement. The Town Manager may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a board/committee meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the Town Manager determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the Town Manager may require the pooling of the equipment and the personnel operating it.

25 Appointments

Rule 25: Appointments

A board or committee may make appointments to a task force in open session. The board or committee may recommend an appointee to the Town Council for consideration of a vacant position on the board or committee.

The board shall use the following procedure to make appointments or recommendations to various other boards, committees, and task forces. The chair shall open the floor for nominations, whereupon the names of possible appointees may be put forward by the board members. The names submitted shall be debated. When the debate ends, the chair shall call the roll of the members, and each member shall cast his or her vote. Written ballots may be used as discussed in Rule 13.

The voting shall continue until one nominee receives a majority of the votes cast, whereupon he or she shall be appointed. If more than one appointee is to be selected, then each member shall have as many

votes in each balloting as there are slots to be filled, and votes from a majority of the members voting shall be required for appointment. During each balloting, a member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single candidate.

26 Committees and Boards

Rule 26: Committees and Boards

Establishment and Appointment. The board may establish and appoint members for such temporary and standing committees and boards as are required by law or needed to help carry on the board's work i.e., appoint a chairman if one is not present. Any specific provisions of law relating to particular committees and boards shall be followed.

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 a local governmental unit that are composed of two or more members and that exercise or are authorized to exercise legislative, policymaking, quasi-judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among a unit's professional staff.

27 Amendment of the Rules

Rule 27: Amendment of the Rules

These rules may only be amended by the Town Council unless a state statute provides otherwise.

28 Reference to Robert's Rules of Order

Rule 28: Reference to Robert's Rules of Order

Boards shall refer to the current edition of *Robert's Rules of Order Newly Revised*, to answer procedural questions not resolved in these rules, so long as *RRONR* does not conflict with North Carolina law or with the spirit of these rules.

29 Miscellaneous Matters

Rule 29: Miscellaneous Matters

All references contained in these rules to the "Town Clerk" shall include the Town Clerk and her/his designees.

These rules are taken from and based on "Suggested Rules of Procedure for Small Local Government Boards" by A. Fleming Bell, II and published by the UNC School of Government.

THESE RULES OF PROCEDURE WERE APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LELAND, N.C. AT A REGULAR MEETING HELD ON FEBRUARY 17, 2022.

Sabrena Reinhardt, Town Clerk
(SEAL)

