



**IREDELL COUNTY
BOARD OF COMMISSIONERS**

RULES OF PROCEDURE

As of December 8, 2009

RULES OF PROCEDURE

IREDELL COUNTY BOARD OF COMMISSIONERS

(1) Regular Meetings

The Board shall have a regular meeting on the First and Third Tuesdays of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held the next business day. Regular meetings will begin at 7:00 p.m., and they will be held in the Commissioners' Meeting Room, Iredell County Government Center, 200 South Center Street, Statesville, NC. Public hearings will be held at 7:00 p.m., on the first Tuesday of each month.

Should the draft agenda for regular meetings contain a large amount of business items, the chairman of the board, after consultation with the county manager or clerk to the board, may call for an agenda briefing. If a briefing session is called, it will occur at 5:00 p.m., prior to the regular meetings, in the South Wing Conference Room of the Iredell County Government Center. No motions will be considered in order at the briefing except for motions to recess or adjourn, or affix the time to adjourn.

(2) Special Meetings

The chairman or a majority of the members of the board may at any time call a special meeting of the board of commissioners by signing a written notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call(s) the meeting shall cause the notice to be delivered to the place of each member at least forty-eight (48) hours before the meeting and shall cause a copy of the notice to be posted on the Iredell County Government Center bulletin board and on the door of the regular meeting room at least forty-eight (48) hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

(3) Organizational Meeting

On the first Monday in December following a general election in which county commissioners are elected, the incumbent board shall meet at 9:00 a.m., at the regular place of meeting for its final meeting. The newly elected county commissioners shall be sworn in at 10:30 a.m., and shall hold their organizational meeting at 11:00 a.m. The newly formed board of commissioners shall elect its chairman and vice chairman as its first order of business. The county manager shall preside until the chairman is elected. The second order of business shall be the appointment of the clerk to the board and the county attorney.

(4) Agenda

The clerk to the board shall prepare the agenda for the meeting. A request to have an item of business placed on the agenda, by a department or division head, or by a county-funded agency, must be received by 12:00 noon on Wednesday preceding the meeting. Any board member may, by a timely request, have an item placed on the agenda.

The agenda shall include, for each item of business placed on it, as much background information on the subject as is available and feasible to reproduce. A copy of all proposed ordinances shall be attached to the agenda, if available to the clerk. A copy of the agenda and attached materials shall be available for public inspection as soon as they are completed. Each board member shall receive a copy of the agenda. Copies may also be available for members of the press.

(4a) Guidelines for Resolutions and Proclamations Submitted to the Board for Consideration

In accordance with a resolution adopted on September 1, 2009, all resolutions and proclamations submitted to the board for adoption must first receive sponsorship by a commissioner. Citizens contacting county staff for approval of these documents should be referred to the commissioners. When a board member consents to sponsor a resolution or proclamation, notification should be given to the county manager. To facilitate this action, a form shall be completed by the sponsoring commissioner.

(5) Public Address to the Board

Any individual or group who wishes to address the board, about a county related matter, should make a request to the clerk to the board to be on the agenda. In an effort to insure that all persons receive equal time for expression and to assist the staff in estimating meeting lengths, the following time limits will be observed.

Appointments Before the Board

A time limit of fifteen (15) minutes.

Public Hearings

A time limit of five (5) minutes. If a large number of individuals wish to speak, the chairman, or the board by majority vote, may set a total time limit for all speakers, with the time being divided equally between proponents and opponents.

Public Comment Period

A time limit of three (3) minutes. A public comment period shall be held at the second regular meeting of the board each month for citizens who desire to speak on matters relating to county government. If for any reason the board cancels a meeting, or temporarily revises the meeting schedule, a public comment period shall be held at least once during the month as is required by state law. Comments made during this segment of the meeting should pertain strictly to county business, and the following guidelines are to be used:

- Citizens desiring to speak should complete a sign-up sheet that will be in the possession of the meeting's host (county department head). The host will be stationed at the entrance area of the Commissioners' Meeting Room.
- Thirty (30) minutes shall be allotted for the entire public comment period.
- Topic Exclusions: Matters that concern the candidacy of any person seeking public office, including the candidacy of the person addressing the board; matters which are the subject of public hearings; matters which are closed session items, including but not limited to topics within the attorney-client privilege, anticipated or pending litigation, personnel, and matters which are made confidential by law. In addition, citizens will not be allowed to solicit business during board meetings nor to discuss the sale or lease of fixed assets if they are a party to the transaction.
- Citizens requesting to speak at the first meeting of the month shall be considered on a case-by-case basis; however, as much as possible, the public should utilize the Public Comment Period scheduled on the second meeting of the month.

(6) Order of Business

Items shall be placed on the agenda according to the "Order of Business." The Order of Business of each regular meeting will usually be as follows:

- I. Call to Order
- II. Invocation
- III. Pledge of Allegiance to the Flag
- IV. Adjustment of Agenda
- V. Presentation of Special Recognitions and Awards
- VI. Appointments Before the Board
- VII. Public Hearings, if there are any scheduled, at 7:00 p.m.
- VIII. Administrative Matters
- IX. Announcement of Vacancies Occurring on Boards and Commissions
- X. Appointments to Boards and Commissions
- XI. Unfinished Business
- XII. Public Comment Period (2nd meeting of the month)
- XIII. New Business

- XIV. County Manager's Report
- XV. Closed Session
- XVI. Adjourn

By vote of the board, items may be considered out of this order. Changes may be made at the Adjustment of the Agenda at the beginning of the meeting, or at any other time, the majority of the board members wish to make a change.

(7) Election of the Chairman and Vice Chairman

The chairman and vice chairman of the board shall be elected annually and shall not be removed from the office of the chairman or vice chairman unless he/she becomes disqualified to serve as a member of the board.

(8) Powers of the Presiding Officer

The chairman shall preside at all meetings of the board. A member must be recognized by the chairman in order to address the board. The chairman shall have the following powers:

1. To rule motions in or out of order, including the right to rule out of order 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.
6. To assign seats to board members. The board may adopt an alternate seating arrangement by majority vote.

(9) Presiding Officer when the Chairman is in Active Debate

The chairman shall preside at meetings of the board unless he/she becomes actively engaged in debate on a particular proposal, in which case another designated board member may be asked to preside. The chairman shall resume the duty to preside as soon as action of the matter is concluded.

(10) Action by the Board

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

(11) Second Not Required

A motion shall not require a second. However, in the case where the County receives certain legal documents that require a motion and a second, then the chairman shall call for a second to the motion.

(12) One Motion at a Time

Only one motion should be on the floor at a time.

(13) Substantive Motion

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

(14) Adoption by a Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules of the laws of North Carolina.

(15) Debate

The chairman shall state the motion then open the floor to debate on it. The chairman shall preside over the debate according to these general principles:

(a) The introducer (member who makes 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 opponents and proponents of the measure.

(16) Procedural Motions

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for each vote taken.

(a) 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. It is not debatable and cannot be amended.

(b) To take a recess.

(c) To call to follow the agenda. The motion must be made at the first reasonable opportunity or it is waived.

(d) To suspend the rules. The motion requires a vote equal to a quorum, but to suspend a rule requiring a two-thirds vote, the motion requires a two-thirds vote of the members present, as well as a vote equal to a quorum.

(e) To divide a complex motion and consider it by paragraph or section. The motion is not debatable. If two or more separate matters are offered in one motion, the matters shall be voted on separately at the request of any member of the board.

(f) To defer consideration. A substantive motion whose consideration has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.

(g) Call of the previous question. The motion is not in order until there has been at least 20 minutes of debate and/or every member has had one opportunity to speak on the main motion. It is not debatable and requires a two-thirds vote. After a meeting has been in session at least three hours on the same day, the motion is in order at any time during the debate.

(h) To postpone an item to a certain time or day.

(i) To refer to a committee. Sixty (60) 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.

(j) To amend. An amendment to a motion must be germane to the subject matter of the motion, but it may achieve the opposite effect of 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 on the call of any member, including the chairman.

(k) To revive consideration. The motion is in order at any time one hundred (100) days after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires one hundred (100) days after being deferred, unless a motion to revive consideration is adopted.

(l) To reconsider. The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was

taken. The motion cannot interrupt deliberation on a pending matter but is in order at any time before adjournment.

(m) To rescind or repeal.

(n) To ratify.

(o) No consideration for six months. When a substantive motion has been defeated, the board shall not consider that motion again for six months, except on the motion of a member who voted with the prevailing side, or who was absent from the meeting at which the original vote was taken.

(p) Withdrawal of a motion.

(q) Point of Order. The motion is not debatable.

(r) Appeal a ruling of the chair.

(s) To adjourn the meeting to a certain time, date, and place (fix the time to which to adjourn).

(17) Duty to vote

Each member must vote unless excused by a majority vote according to law. A member who must be excused from voting because of a legal requirement shall so inform the chairman, who will take a vote of the remaining members. If a person is not excused from voting as described above and does not audibly vote, then the inaudible vote shall be counted with the affirmative vote.

(18) Introduction of Ordinances

A proposed ordinance shall be deemed to be introduced at the first meeting for which it is placed on the agenda, regardless of whether it is actually considered by the board, if it is prominently identified on the agenda through the use of asterisks, underlining, or other similar printing devices.

(19) Adoption of Ordinances

To be adopted at the meeting at which it is first introduced, an ordinance or any action with the effect of an ordinance (except the budget ordinance, any bond order, or any other ordinance on which a public hearing must be held before the ordinance may be adopted) must receive the approval of all members of the board of commissioners. If the proposed ordinance is approved by a majority of those voting but not by all members of the board, or if the ordinance is not voted on at the meeting, it shall be considered at the next regular meeting of the board. If it

then or at any time thereafter within one hundred (100) days of its introduction receives a majority of the votes cast, a quorum being present, the ordinance is adopted.

(20) Adoption of the Budget Ordinance

Notwithstanding the provisions of any general or local act:

1. Any action with respect to the adoption or amendment to the budget ordinance may be taken at any regular or special meeting of the board 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.
3. The adoption and amendment of the budget ordinance and levy of taxes in the budget ordinance are not subject to the provisions of any local act concerning initiative of the referendum.

During the period beginning with the submission of the budget to the board and ending with the adoption of the budget ordinance, the board may hold any work session meetings that may be necessary to complete its work on the budget ordinance. Any provisions of the law concerning the call of special meetings does not apply during that period so long as each member of the board has actual notice of each work session meeting called for the purpose of considering the budget. Notices of budget work sessions may be construed to be budget work sessions set by the board at the same meeting the budget ordinance is distributed to the board members or at any subsequent meeting, and the board members shall consider this proper notice. The board may consider other matters of business provided all board members are present; or if any are absent, if he/she has been notified that other business matters will be discussed. The board will not act on the following subjects during the budget work sessions:

1. Adoption of the budget
2. Levy of a tax
3. Enter into debt

(21) Closed Sessions

The board may hold closed sessions as provided by law. It shall commence a closed session by a majority vote and terminate a session in the same manner.

(22) Quorum

A majority of the membership of the board of commissioners shall constitute a quorum. The number required for a quorum shall not be affected by vacancies. If a member has withdrawn from a meeting without being excused by a majority vote of the remaining members present, the member shall be counted as present for the purpose of determining whether a quorum is present. The board may compel the attendance of an absent member by ordering the sheriff to take the member into custody.

(23) Public Hearings

Public hearings required by law or deemed advisable by the board shall be organized by a special order, adopted by a majority vote, setting forth the subject, date, place and time of the hearing as well as any rules regarding the length of time of each speaker, etc. Unless otherwise provided by the special order, each speaker shall be limited to five minutes for a public address. If a large number of individuals wish to speak, the chairman, or the board by majority vote, may set a total time limit for all speakers, with time being equally divided between proponents and opponents of an issue. At the appointed time, the chairman or designee shall call the hearing to order and then preside over it. When the allotted time expires or all persons who wish to speak have spoken, the chairman or designee shall declare the hearing ended.

(24) Quorum at Public Hearings

A quorum of the board shall be required at all public hearings required by state law.

(25) Minutes

Minutes shall be kept of all meetings of the board, and the following procedures shall be used for adoption.

- (a) Adoption of the briefing and regular minutes shall occur at the next regularly scheduled meeting. Budget session minutes shall be adopted at the next regularly scheduled meeting or as soon thereafter as is practical.
- (b) Closed session minutes shall be adopted “on the spot” and shall be sealed automatically. Authorization shall be given to the county manager to periodically review the sealed minutes to determine if the need for confidentiality continues to exist. Should confidentiality no longer be needed, the county manager may unseal the closed session minutes.
- (c) A copy of the adopted and unsealed minutes shall be sent to the North Carolina Department of Cultural Resources/Division of Archives and History for microfilming.

(26) Appointments

The board will use the following procedure to make appointments to various subordinate boards and offices:

A. The chairman of the board will announce the vacancies occurring on the boards and commissions submitted by the clerk to the board.

B. At the next regularly scheduled meeting following the announcement of the vacancies, the chairman shall open the floor to nominations. All members shall put forward names of possible appointees. If there is only one nomination made for each vacancy, then the motion will be made to close the nominations and appoint those persons by acclamation.

C. If there is more than one nomination for a vacancy, the names shall be published in the minutes by the clerk to the board, and then at the next regular meeting of the board the nominees will be debated. When the debate ends, the clerk to the board shall call the roll of the county commissioners and each county commissioner called shall cast his/her vote. The votes shall not be tallied until each member has voted. The nominee(s) who receive(s) the highest number of votes shall be appointed.

If more than one appointee is selected, then each member shall have as many votes as there are positions to be filled. A member may cast all of his/her votes or less than all of them, but cannot vote for a nominee more than one time.

To break tie votes on nominations:

The board will vote again at the next regular meeting scheduled if all members are present, or if all members are not present, the vote will be taken at the first Tuesday of the monthly meeting regardless of absences.

(27) Reference to Robert's Rules of Order, latest edition

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the board shall refer to Robert's Rules of Order, latest edition, for unresolved procedural questions.

Revised: December 8, 2009
September 1, 2009
October 18, 2005
April 3, 2001