

RULES OF PROCEDURE FOR THE TOWN OF RIVER BEND COUNCIL

These rules shall govern the conduct of the River Bend Town Council in the conduct of official meetings. This document has used the North Carolina Institute of Government model advanced in the publication Suggested Rules of Procedure for Small Local Government Councils model.

Rule 1. Regular Meetings

The Council shall adopt at its Regular December Council Meeting a schedule of meeting dates for Regular Council Meetings, Council Work Sessions, Budget Work Session and Council Retreats for the next calendar year. The schedule shall give the time and location where meetings will be held. This schedule shall reflect any deviation that holiday events would cause from a normal monthly cycle. Following the adoption of the annual schedule by the Council, the schedule shall be published in compliance with publication mandates of the state of North Carolina.

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

(a) **Special Meetings.** The Mayor (or a majority of the members) may at any time call a Special Meeting of the Council. 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 Council member; (2) posted on the Council's principal bulletin Council or, if not, 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 the notice with the Town Clerk.

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 meeting stating its time and place and the subjects to be considered shall be (1) given to each Council member; and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for the 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.)

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 Council determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

(b) **Emergency Meetings.** The Mayor (or a majority of the members) may at any time call an emergency meeting of the Council by signing a written notice stating the time and place of the meeting and the subjects to be considered. Written or oral notice of the meeting shall be given to each Council member and to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request with the Town Clerk, and whose request include the

newspaper's, wire services, or station's telephone number. Notice to the news media shall be given at the expense of the party notified.

Emergency meetings 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.

(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 provide in Rule 16(b), 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 such a recessed (or adjourned) session of a properly called regular, special, or emergency meeting.

Rule 3. Organizational Meeting

On the date and at the time of the first regular meeting in December, the newly elected members shall take and subscribe the oath of office as the first order of new business.

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 working days before the meeting. Any Council member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed discussion items 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 agenda package and it shall be available for public inspection when it is distributed to the Council members.

(b) **Adoption of the Agenda.** As the first 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. The Council may by majority vote add items to or subtract items for the proposed agenda, except that the Council may not add items on the agenda of a special meeting unless (a) all members are present and (b) the Council 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 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 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) **Open Meetings Requirement.** 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. However, the Council 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.

Rule 5. Public Address to the Council

Any individual or group who wishes to address the Council can make a request at least two days in advance of the meeting to be on the agenda to the Town Clerk. However, the Council shall determine at the meeting whether it will hear the individual or group.

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:

- Discussion and revision of the proposed agenda; adoption of an agenda
- Addresses to the Council
- Public hearings
- Approval of the minutes
- Administrative reports
- Committee reports
- Unfinished business
- New business
- Informal discussion and public comment

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

Rule 7. Presiding Officer

The Mayor shall preside at Council meetings if he or she is present, unless he or she becomes actively engaged in debate on a particular matter. The Mayor may only vote to break a tie. In order to address the Council, a member must be recognized by the Mayor.

If the Mayor is absent, the Mayor Pro Tem shall preside. If both the Mayor and the Mayor Pro Tem are absent, another member designated by vote of the Council shall preside. The Mayor Pro Tem or other member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions and the right to vote.

If the presiding person becomes actively involved in debate on a particular matter, he or she may designate another Council member to preside over the debate. The presiding individual shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers:

- To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;

- 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 grounds;
- To entertain and answer questions of parliamentary law or procedure;
- To call a brief recess at any time;
- To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed may be appealed to the Council 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.

Rule 8. Action by the Council

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

Rule 9. Second Not Required

A motion does not require a second.

Rule 10. One Motion at a Time

A member may make only one motion at a time.

Rule 11. Substantive Motions

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

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.

Rule 13. 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 14. Debate

The Mayor shall state the motion and then open the floor to debate. The Mayor shall preside over the debate according to the following 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;
- To the extent possible, the debate shall alternate between proponents and opponents of the measure.

Rule 15. 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 16. 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, 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 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 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 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 it is waived.

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 an affirmative vote equal to a majority of the entire Council.

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 120 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. 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 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 person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules.

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 recommendation. 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 the 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, policy, regulation or resolution shall be reduced to writing before the vote on the amendment.

Motion 14. To Revive Consideration. The Council 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 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, except in the case of a tie; in that case the “nos” prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through recess or 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 motions requires for adoption a vote equal to a majority of the entire membership of the Council. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organization meeting of the Council, whichever occurs first.

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.

Rule 18. Withdrawal of Motion

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

Rule 19. Duty to Vote

Each member shall be permitted to abstain from voting, by so indicating when the vote is taken, subject to the following: Every member must vote unless excused by the remaining members of the Council. A member who wishes to be excused from voting shall so inform the Mayor, who shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the Council or by law, or the member’s official conduct, as defined by the Council. 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 20. Special Rules of Procedure

The Council may adopt special rules of procedure as circumstances warrant.

Rule 21. Closed Sessions

The Council may hold closed sessions as provided by law. The Council shall commence a closed session only 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(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, mediations, arbitrations, 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 a majority of those present and voting. The Council shall terminate the closed session by a majority vote, using Motion 7 of rule 16(b).

Only those actions authorized by statute may be taken in closed session (Rule 16(b), Motion 2).

Rule 22. Quorum

A majority of the actual membership of the Council (excluding vacant seats) shall constitute a quorum. A majority is more than half. The Mayor shall not be considered a member of the Council 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.

Rule 23 Public Hearings

Public hearings required by law or deemed advisable by the Council 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, providing for the designation of spokespersons for groups of people 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 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 Council 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 2C shall be followed in continuing a hearing at which a majority of the Council, or of a Council committee, as applicable, is present.

At the time appointed for the hearing, (the council shall vote to open the hearing and) the Mayor or his or her designee shall call the hearing to order and 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 entertain a motion to end the hearing.

Rule 24. Minutes

Full and accurate minutes of the Council proceedings, including closed sessions, shall be kept. The Council 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 the rule. The exact working 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 entire Council shall be polled by name on any vote. 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.

Rule 25. Appointments

The Council may consider and make appointments to other bodies, including its own committees, if any, at any regular meeting.

The Council shall use one of following procedures to make appointments to various other boards and committees:

A candidate for appointment to one of the Town's advisory boards shall submit an Application for Appointment to either the board chairman or the Town Clerk. The Council liaison to that advisory board shall consult with the advisory board chairman on the appropriateness of the appointment. If the candidate's appointment is deemed beneficial to the advisory board, the Council liaison shall make a motion at a regular council meeting to approve the appointment. Appointments for candidates to fill unexpired terms will be made through the completion of that term.

For appointments to special Council committees, Council members may choose to either submit names for nomination, or may accept volunteers. The final committee roster shall be voted on by the entire Council.

Rule 26. Committees and Boards

(a) Establishment and Appointment. The Council may establish and appoint members for such temporary and standing committees and boards as are required by law or needed to help carry out the Council's work. 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 Town 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 Town's professional staff.

Rule 27. 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, unless a statute or a rule of the body that created the board provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum.

Adopted this the 15th day of December, 2010.

John R. Kirkland, Mayor

Attest:

Ann Katsuyoshi,
Town Clerk