RULES OF PROCEDURE
FOR THE CHEROKEE COUNTY BOARD OF COMMISSIONERS

I. APPLICABILITY

Rule 1. Applicability of Rules. These rules apply to all meetings of the Board of Commissioners of Cherokee County at which the board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law. They are intended to be consistent with all North Carolina law. Any rules that are mandated by law cannot be suspended by vote of the board. If a conflict or inconsistency arises between these rules and the law of the State of North Carolina then the North Carolina law shall control.

II. OPEN MEETINGS

Rule 2. Meetings to be open pursuant to §143-318.10.

(a) The public policy of North Carolina and of Cherokee County is that the hearings, deliberations, and actions of this board and its committees be conducted openly.

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

(c) For the purposes of the provisions of these rules concerning open meetings, an official meeting of the board is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the board.

Rule 3. Closed Sessions pursuant to §143-318.11.

(a) Notwithstanding the provisions of Rule 2, the board may hold a closed session and exclude the public, but only under those circumstances and for those purposes as authorized by of the North Carolina General Statutes.

(b) The board may go into closed session only upon motion made and adopted at an open meeting. This motion shall state the general purpose of the closed session and must be approved by a majority of those board members present and voting.

(c) **Unless the motion to go into closed session provides otherwise, the county manager, assistant county manager, county finance officer, county attorney, and clerk to the board shall attend the closed session. No other person shall attend the closed session unless their attendance is relevant and necessary to the issue under consideration and they are specifically invited by a majority vote of the board.**

III. ORGANIZATION OF THE BOARD

Rule 4. Organizational Meeting.

(a) **Even numbered Years. The board shall hold an organizational meeting at its regular time and place on the first Monday in December of each even-numbered year. The agenda for this organizational meeting shall be limited to induction of newly elected members of the board of county commissioners and other elected county officials and organization of the board for the ensuing year. The organizational meeting shall be convened and concluded before the regular December meeting is convened. The clerk to the board of commissioners shall call the meeting to order and shall preside until a chair is elected. If they have not already been sworn and inducted into office, the newly elected members of the board shall take and subscribe the oath of office as the first order of business. As the second order, the board shall elect a chair and the vice-chair from among its members. As the third order, the board shall approve the bonds of the sheriff and the register of deeds and induct them and any other newly elected county officials into office. As the fourth and fifth orders of business, the board may appoint a clerk and an attorney.**

(b) **Odd-numbered Years. At the first regular meeting in December of each odd-numbered year, the first order of business shall be approval of the minutes of the previous meeting. The second order of business shall be election of the chair and vice-chair for the ensuing year. The third and fourth orders of business may be appointment of the clerk and county attorney.**

Rule 5. Election of the Chair. The chair and vice-chair of the board shall be elected annually by a majority of the votes cast for a term of one year and shall not be removed from the office of chair or vice-chair during the term unless he or she becomes disqualified to serve as a board member.

IV. REGULAR AND SPECIAL MEETINGS

Rule 6. Regular and Special Meetings pursuant to §153A-40.

(a) **Regular Meetings. The board shall hold regular meetings pursuant to a schedule adopted and published pursuant to applicable North Carolina General Statutes. The board may change the place or time of a particular regular meeting or of all regular meetings within a specified period by**

resolution adopted, posted and noticed at least seven days before the change takes effect. Such a resolution shall be filed with the clerk to the board and posted at or near the regular meeting place, and copies shall be sent to all persons who have requested notice of special meetings of the board by regular United States mail or by email. The regular meeting schedule shall also be posted on the Cherokee County Website.

(b) Special Meetings. The chair or a majority of board members may at any time call a special meeting of the board by signing a notice stating the time and place of the meeting and the subjects to be considered. The person or persons calling the meeting shall cause the notice to be posted on the principal bulletin board of the county or the door of the regular meeting place if there is no principal bulletin board and delivered to the chair and all other board members or left at the usual dwelling place of each member or emailed at least forty-eight hours before the meeting. In addition, the notice shall be mailed, emailed or delivered to individual persons and news organizations having requested such notice as provided in subsection (e) below at least forty-eight hours before the meeting. Only items of business specified in the notice may be transacted at a special meeting, unless all members are present or those not present have signed waivers. Any notice of special meeting shall be posted on the Cherokee County Website.

(c) Emergency Meetings. If a special meeting is called to deal with an unexpected circumstance requiring immediate consideration, the notice requirements of this rule do not apply. However, the person or persons calling an emergency meeting shall take reasonable action to inform the other members and the public of the meeting. Local news organizations having requested notice of special meetings as provided in subsection (e), below, shall be notified of such emergency meeting either by e-mail, by telephone, or by the same method used to notify board members and shall be given immediately after notice has been given to the board members. Only business connected with the emergency may be discussed at the meeting. Any notice of emergency meeting shall be posted on the Cherokee County Website.

(d) Work Sessions and Committee Meetings. The board may schedule work sessions, committee meetings, or other informal meetings of the board or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the board. A schedule of any such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special board meetings.

(e) Sunshine List. Any individual and any newspaper, wire service, radio station, and televisions station may file a written request with the clerk to the board of commissioners for notice of all special meetings of the board. Requests by

individuals must be renewed by the last day of each calendar year and are subject to a $10.00 nonrefundable annual fee; requests by news organizations must be renewed annually by December 31 and are not subject to any fee.

Rule 7. All Meetings Within the County. All meetings shall be held within the boundaries of Cherokee County, except as otherwise authorized and permitted by applicable North Carolina General Statutes.

Rule 8. Broadcasting and Recording of Meetings.

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

(b) Any radio or televisions station wishing to broadcast any portion of an official board meeting shall so notify the county manager before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site is available, the county manager may require the news media to either pool equipment and personnel or to secure and pay the costs of an alternative meeting site mutually agreeable to the board and the media representatives.

V. AGENDA

Rule 9. Agenda.

(a) The clerk to the board in cooperation with the county manager shall prepare the agenda for each regular, special, and emergency meeting. A request to have an item of business placed on the agenda for a regular meeting must be received at least five working days before the meeting. Any board member may, by timely request, have an item placed on the agenda.

(b) The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. A copy of the agenda packet shall be delivered to each board member at least seventy-two hours before the meeting. Documents in the agenda packet, if not previously available for public inspection, shall become so when packets have been delivered to each board member or left at his or her usual dwelling.

(c) The board may, by majority vote, add an item not on the agenda on findings by the majority of the board that such items could not have reasonably been placed on the agenda pursuant to normal procedures and it is essential that such business be considered at the meeting.

Rule 10. Public Address. The clerk to the board shall include on the agenda of each regular meeting at least thirty minutes for comments from the public in attendance. The chair will first recognize individuals or groups having signed the register to be heard, and then may recognize others, subject to available time. Each speaker shall be limited to three (3) minutes of public address, unless allowed additional time by the chair, or by action of a majority of the board. When the time set aside for informal public comments has expired, the chair will recognize further speakers only upon motion duly made and adopted.

Rule 11. Order of business. At regular meetings, the board shall proceed to business in the following order:

(1) Call to order and welcome.

(2) Ethics Statement

(3) Invocation.

(4) Pledge of allegiance.

(5) Modification of Agenda

(6) Agenda Adoption

(7) Scheduled public hearings.

(8) Finance Items/Budget Revisions

(9) Minutes

(10) Public Forum

(11) New Business

(12) County Manager Items

(13) Chairman Items

(14) Closed Session (If applicable)

(15) Adjournment.

Without objection, the chair may call items in any order most convenient for the dispatch of business.

VI. CONDUCT OF DEBATE

Rule 12. Powers of the Chair. The chair shall preside at all board meetings. To address the board, a member must be recognized by the chair. The chair shall have the following powers; however in exercising these powers the chair's decision is subject to appeal and review by the full board on the motion of any member:

(1) The rule on points of parliamentary procedure, including the right to rule out of order any motion offered for patently obstructive or dilatory purposes;

(2) 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;

(3) To call a brief recess at any time;

(4) To adjourn in an emergency.

Rule 13. Action by the Board. The board shall proceed by motion. Any member, including the chair, may make a motion.

Rule 14. Second Required. A motion shall require a second in order to be debated and acted on by the board.

Rule 15. One Motion at a Time. A member may make only one motion at a time.

Rule 16. Substantive Motion. A substantive motion is out of order while another substantive motion is pending.

Rule 17. Adopted by Majority Vote. A motion shall be adopted if approved by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or North Carolina laws. Any member of the Board who doubts the result of a vote may request that the Board be polled by roll call vote. The Clerk shall call the role in alphabetical order, provided that for each subsequent roll call vote conducted within a calendar year the Clerk shall rotate the role so that voting will begin with the next Board member on the role. The chair of the Board has the privilege of voting last on all such votes. A member is not allowed to pass when polled during a roll call vote unless that member has been excused from voting as provided in Rule 23.

Rule 18. Debate. The chair shall state the motion and then open the floor to debate for the other board members, presiding according to these general principles:

(1) The board member making the motion or introducing the ordinance, resolution, or order may speak first.

(2) A board member who has not spoken on the issue shall be recognized before someone who has already spoken.

(3) If possible, the debate shall alternate between opponents and proponents on the measure.

Rule 19. Procedural Motions.

(a) In addition to substantive proposals, the procedural motions listed in subsection (b) of this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

(b) In order of priority (if applicable), the procedural motions are:

(1) To Adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter. A motion to adjourn is not debatable and may not be amended.

(2) To Recess.

(3) To Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.

(4) To Suspend the Rules. The motion requires a vote equal to a quorum.

(5) To Divide a Complex Motion and Consider it by Paragraph.

(6) To Defer Consideration. A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.

(7) To call the Previous Question. The motion is not in order until there has been at least fifteen minutes of debate and every member has had one opportunity to speak.

(8) To Postpone to a Certain Time or Day.

(9) To Refer to Committee. Sixty days after a motion has been referred to committee, the introducer may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the board.

(10) To Amend. An amendment to a motion must be germane to the subject of the motion, but it may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an

amendment, but no further amendments. Any amendments to a proposed ordinance shall be reduced to writing.

(11) To Revive Consideration. The motion is in order at any time within one hundred days of a vote deferring consideration. A substantive motion on which consideration has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.

(12) To Reconsider. The motion must be made at the same meeting where the original vote was taken, and by a member who voted with the prevailing side. It cannot interrupt deliberation on a pending matter but is in order any time before adjournment.

(13) To Prevent Reconsideration for Six Months. The motion shall be in order only immediately following the defeat of a substantive motion. It requires a vote equal to a quorum and is valid for six months or until the next regular election of county commissioners, whichever occurs first.

Rule 20. Renewal of Motion. A defeated motion may not be renewed at the same meeting.

Rule 21. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before receiving a second.

Rule 22. Duty to Vote. It is the duty of each member to vote unless excused by a majority vote according to law. The Board may excuse a member from voting, but only upon questions involving the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 153A-340(g), or 153A-345(e1). (For purposes of this section the question of compensation and allowances of members of the board does not involve a member's own financial interest or official conduct.) This rule is consistent with and identical to N.C.G.S. § 153A-44 and shall be deemed amended by any legislative amendment to N.C.G.S. § 153A-44. A member wishing to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

Rule 23. Prohibition of Secret Voting. No vote may be taken by secret ballot. If the board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, when they may be destroyed.

Rule 24. Action by Reference. The board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted on.

Rule 25. Introduction of Ordinances, Resolutions, and Orders. A proposed ordinance shall be deemed introduced at the first meeting where it is on the agenda and a motion for its adoption or approval is made by a member of the board; its introduction shall be recorded in the minutes.

Rule 26. Adoption, Amendment, or Repeal or Ordinances. To be adopted at the meeting at which it is first introduced, an ordinance or any action having 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 the members of the board of commissioners. If the ordinance is approved by a majority those voting but not by all the members of the board, or if the ordinance is not voted on at that meeting, it shall be considered at the next regular meeting of the board. If it then or at any time thereafter within 100 days of its introduction receives a majority of the votes cast, a quorum being present, the ordinance is adopted. This rule is consistent with and identical to N.C.G.S. § 153A-45 and shall be deemed amended by any legislative amendment to N.C.G.S. § 153A-45.

Rule 27. Quorum. A majority of the board membership shall constitute a quorum. The number required for a quorum is not affected by the vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members, he or she shall be counted as present for the purposes 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. This rule is consistent with and identical to N.C.G.S. § 153A-43 and shall be deemed amended by any legislative amendment to N.C.G.S. § 153A-43.

Rule 28. 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 allotted to each speaker and designating representatives to speak for large groups. At the appointed time, the chair shall call the hearing to order and preside over it. When the allotted time expires, the chair shall declare the hearing ended and the board shall resume the regular order of business.

Rule 29. Quorum at Public Hearings. A quorum of the board must be present at all public hearings required by law.

Rule 30. Minutes. Minutes shall be kept of all board meetings.

Rule 31. Appointments. The board shall use the following procedure to make appointments to fill vacancies in the board itself or in other boards and public offices over which the board has power of appointment. The board shall advertise notices of upcoming board appointments via media outlet and on the county website. All applicants primary domicile must be in Cherokee County to serve on any county-appointed board or

committee. No board terms shall exceed three (3) years, and appointees shall serve no more than two (2) consecutive terms.

The chair shall call for a vote on each qualified applicant of each respective board. Each vote shall be decided by a majority of the valid ballots cast. It is the duty of each member to vote for as many appointees as there are appointments to be made.

Rule 32. Reference to Robert's Rules of Order. To the extent not provided for in and not conflicting with the spirit of these rules, the chair shall refer to Robert's Rules of Order to resolve procedural questions.

Revised by the Board of Commissioners, this 2nd day of December, 2013.

Chairman

R. Scott Lindsay, Clerk