

Last Amended on March 4, 2024

RULES OF PROCEDURE

**UNION COUNTY, NORTH CAROLINA
BOARD OF COMMISSIONERS**

I. Applicability

Rule 1. Applicability of Rules.

These rules apply to all meetings of the Board of Commissioners of Union County, North Carolina at which the board is empowered to exercise any of the executive, quasijudicial, administrative, or legislative powers conferred on it by law.

II. Open Meetings

Rule 2. Meetings to be Open.

- (a) The public policy of North Carolina and of Union 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 Union 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. However, a social meeting or other informal assembly or gathering together of the members of the board does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.

Rule 3. Closed Sessions.

- (a) Notwithstanding the provisions of Rule 2, the board may hold a closed session and exclude the public only when a closed session is required:
 - 1. To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes;
 - 2. To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award;

3. To consult with an attorney employed or retained by the board in order to preserve the attorney-client privilege between the attorney and the board. General policy matters may not be discussed in a closed session and the board may not close a meeting that otherwise would be open merely because an attorney employed or retained by the board is a participant. The board may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, or administrative procedure. If the board has approved or considered a settlement in closed session, the terms of that settlement shall be reported to the board and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded;

4. To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body;

5. To establish, or to instruct the board's staff or negotiating agents concerning the position to be taken by or on behalf of the board in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract;

6. To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. The board may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the board or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action by the board making an appointment or discharge or removal shall be taken in an open meeting;

7. To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

8. To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

9. To view a recording released pursuant to N.C.G.S. § 132-1.4A.

10. To otherwise conduct business in closed session as permitted by applicable law.

(b) The board may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be

discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the board expects to receive advice during the closed session.

(c) Unless the motion to go into closed session provides otherwise, the county manager, deputy and assistant county manager(s), county attorney, general counsel, and clerk to the board shall attend the closed session. Other persons may attend the closed session as invited by the board and as may be reasonably required for conducting the closed session.

III. Organization of the Board

Rule 4. Organizational Meeting. On the first Monday in December following a general election in which county officers are elected, the board shall meet at the regular meeting time and place. The County Manager shall call the meeting to order and shall preside until a chair and a vice-chair are 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 vice chair from its members and the chair and vice-chair shall take and subscribe the oath of office for their respective positions. As the third order, the board shall approve the bonds of the register of deeds, and the sheriff, and induct them and any other newly elected county officials into office. As the fourth order, the board shall approve the bonds of the County finance officer and tax collector.

Rule 5. Election of the Chair. The chair and vice-chair of the board shall be elected on the first Monday in December of each even-numbered year and on the first regular meeting of December of each odd-numbered year. The elected chair shall not be removed from the office of chair unless he or she becomes disqualified to serve as a board member. The vice-chair shall act in the absence or disability of the chair. If the chair and vice-chair are both absent from a meeting of the board, the members present may choose a temporary chair.

IV. Regular and Special Meetings

Rule 6. Regular and Special Meetings.

(a) **Regular Meetings.** The board shall hold regular meetings at least once a month, in accordance with a resolution adopted by the board fixing the time and place of its regular meetings. If a regular meeting is scheduled on a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting. The board may change the place or time of a particular regular meeting or of all regular meetings by resolution adopted, posted, and noticed at least ten (10) 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 notices of meetings of the board. The board may adjourn a regular meeting from day to day or to a day certain until the business before the board is completed.

(b) Special Meetings. The chair 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 calling the meeting shall cause the notice to be delivered to the chair and each other member of the board or left at the usual dwelling place of each at least forty-eight (48) hours before the meeting and shall cause a copy of the notice to be posted on the courthouse bulletin board 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 not present have signed a written waiver.

(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 meetings by the same method used to notify board members. Only business connected with the emergency may be discussed at the meeting.

(d) Work Session 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 session 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 television 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 quarter and are subject to a \$10.00 Nonrefundable annual fee; requests by news organizations must be renewed annually by January 1 of each year and are not subject to any fee.

Rule 7. All Meetings Within the County. All meetings shall be held within the boundaries of Union County except as otherwise provided herein.

(a) A joint meeting with the governing board of any other political subdivision of this or any other state may be held within the boundaries of either subdivision as may be specified in the call of the meeting. At any such joint meeting, this board reserves the right to vote separately on all matters coming before the joint meeting.

(b) A special meeting called between the board and its local legislative delegation during a session of the General Assembly; provided, however that at any such meeting the members of the board may not vote upon or otherwise transact public business except with regard to matters directly relating to legislation proposed to or pending before the General Assembly.

(c) A retreat, forum, or similar gathering held solely for the purpose of providing members of the board with general information relating to the performance of their public duties; provided, however, that members of the board of commissioners shall not vote upon or otherwise transact public business while in attendance at such a gathering.

(d) A convention, association meeting or similar gathering; provided, however, that any such meeting may be held solely to discuss or deliberate the board's position concerning convention resolutions, elections of association officers and similar issues that are not legally binding upon the board of commissioners or its constituents.

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 television station wishing to broadcast any portion of an official board meeting is requested to so notify the county manager no later than seventy-two hours 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 in the county courthouse is available, the county manager may require the news media to pool equipment and personnel.

V. Agenda

Rule 9. Agenda

(a) The county manager, after consulting or meeting with the chair and/or vice-chair, shall in coordination with other County staff as deemed appropriate by the county manager, prepare the agenda for each regular, special, and emergency meeting. Any board member may, by request at least seven (7) calendar days before a meeting, have an item placed on the agenda. Agenda items shall be presented with sufficient clarity and particularity to permit informed discussion and action at the meeting. Agenda items submitted after the seven (7) day deadline may be permitted in the discretion of the chair. The county manager may designate deadlines by which staff must submit agenda items for meeting, and grant extensions and exceptions to such deadlines at the county manager's discretion.

(b) The agenda packet may include the agenda document, proposed ordinances and resolutions, and other supporting documentation and background information. A copy of the agenda packet for each regular meeting will generally be sent to each board member via electronic mail at least seventy-two (72) hours before the meeting. The agenda and agenda packet should normally be made available for public inspection prior to the meeting, excepting information which may be protected from disclosure by applicable law.

(c) The board is discouraged from adding items to the agenda the night of the board meeting, however, the board may, by majority vote, add an item not on the agenda.

(d) Agenda items deemed to be routine matters appropriate for consideration by the board without discussion may be placed on a Consent Agenda which will be part of the agenda for that meeting. All items on the Consent Agenda are to be considered upon motion and without further discussion, except that a commissioner may provide notice of the intent to discuss separately a consent agenda item (but not to move the item from the consent agenda to the business portion of the agenda or remove the item completely from the agenda) by providing written notice to the chair and county manager by noon on the business day prior to the meeting. If such notice is given, during the time for consideration of the consent agenda, the chair shall acknowledge the requesting commissioner for discussion of the item on the consent agenda prior to voting on the consent agenda.

Any commissioner may also request that an item be moved from the consent agenda to the business portion of the agenda by providing written notice to the chair and county manager of the commissioner's request to move the item from the consent agenda to the business portion of the agenda by noon on the business day prior to the date of the meeting. If such notice is provided at any time thereafter, a commissioner may make a motion that a consent agenda item be moved from the consent agenda and placed on the appropriate place in the agenda for separate action. Such motion shall be made not later than the time of consideration of the consent agenda and shall be voted on by the board. Any such item moved from the consent agenda shall be considered at the time set forth for such items in the amended agenda.

Rule 10. Informal Public Comments. In compliance with G.S. 153A-52.1, the board establishes the following policy for informal public comment at all regular meetings of the board. The clerk shall provide a sign-up sheet at the entry to the meeting room not later than thirty minutes prior to each meeting for persons who desire to address the board. The clerk may also offer an online sign-up sheet, at the clerk's discretion. The chair will recognize speakers in the order in which their names appear on the sign-up sheet. The purpose of the time for informal public comments is to allow for public input to the board on issues germane to Union County. It is not intended to compel board members or staff to answer questions in an impromptu manner without adequate opportunity for preparation or consideration. Action on issues raised during the comment period, if any, will be at the sole discretion of the board.

Each speaker must address the board from the lectern and begin their remarks by giving their name, stating whether they are residents of Union County, indicating the municipality within which they reside, if any, and stating the topic about which they intend to speak. Each speaker will have three (3) minutes to make remarks. A speaker may not yield any of his or her time to another speaker. Speakers may not discuss matters which are the subject of public hearings, and they must be courteous in their language and presentation. Restatements or repetitive comments by the same speaker, whether at the same or separate meetings, may be ruled out of order and terminated by the chair. Personal attacks will not be tolerated. Speakers may leave written comments and/or supporting documents, if any, with the clerk to the board.

If at the beginning of the public comment period, the chair determines that the time required to hear all speakers on the sign-up sheet would unduly disrupt the conduct of County business or cause undue inconvenience to citizens in attendance for other items on the agenda, the chair may

require the designation of spokesman, or the selection of delegates, for groups of persons supporting or opposing the same positions. The chair may also move the period for public comment to some time later in the meeting.

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

1. Opening of Meeting
 - a. Invocation
 - b. Pledge of Allegiance
2. Public Participation
 - a. Informal Comments
 - b. Public Hearings
3. Staff Recognition (if any)
4. Consent Agenda
5. Information Only
6. Business Agenda
7. Closing Remarks
 - a. County Manager's Comments
 - b. Commissioners' Comments

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:

1. To 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. Chair's Right to Participate in Debate. The chair shall have the right to participate in the debate of matters before the board, provided that there is no objection from a board member. In the event of any objection to the chair participating in the debate, then the chair shall designate the vice-chair, or another member of the board to preside during the debate. The chair shall resume the duty to preside as soon as action on the matter is concluded.

Rule 14. Action by the Board. The board shall proceed by motion. Any member, including the chair, may make a motion

Rule 15. Second Not Required. A motion shall not require a second.

Rule 16. One Motion at a Time. A member may make only one motion at a time.

Rule 17. Substantive Motion. A substantive motion is out of order while another substantive motion is pending.

Rule 18. Adoption by Majority Vote. A motion shall be adopted if approved by a majority of the votes cast, unless otherwise required by these rules or North Carolina law.

Rule 19. Debate. The chair shall state the motion and then open the floor to debate, presiding according to these general principles:

- (a) The member making the motion or introducing the ordinance resolution, or order may speak first.
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken.
- (c) If possible, the debate shall alternate between opponents and proponents of the measure.

Rule 20. Procedural Motions.

- (a) In addition to substantive proposals, the procedural motions listed in subsection (b) of this rule, and not others, shall be in order. Unless otherwise noted, each motion is debatable, may as amended, and requires a majority vote for adoption.
- (b) In order of priority (if applicable), the procedural motions are:
 - 1. *To Adjourn (not debatable).* The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
 - 2. *To Recess (not debatable).*
 - 3. *To Call to Follow the Agenda (not debatable).* The motion must be made at the first reasonable opportunity or it is waived.
 - 4. *To Suspend the Rules (not debatable).* The motion requires a vote equal to a quorum.
 - 5. *To Divide a Complex Motion and Consider It by Paragraph (not debatable).*

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 (not debatable).* The motion is not in order until there has been at least ten 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.* This motion is approved by the board. When such a motion is made to refer to committee, care should be taken to ensure composition of the committee complies with North Carolina law concerning meetings of public bodies. 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 amendment 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 considerations 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 21. Renewal of Motion. A defeated motion may not be renewed at the same meeting.

Rule 22. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before the chair puts the motion to a vote.

Rule 23. Duty to Vote. It is the duty of each member to vote unless excused by a majority vote upon questions involving a member's own financial interest, the financial interest of a person in the member's immediate family, a member's official conduct, or matters from which the member is prohibited from voting under N.C.G.S. §§ 14-234 or 160D-109. 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 24. 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 25. Action by Reference. The board shall not deliberate, vote, or otherwise take action upon 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 public body to understand what is being deliberated, voted, or acted upon. However, this subsection does not prohibit a public body from deliberating, voting, or otherwise taking 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 upon, are available for public inspection at the meeting.

Rule 26. Introduction of Ordinances, Resolutions, and Orders. A proposed ordinance shall be deemed introduced at the first meeting where it is on the agenda, regardless of whether it is actually considered by the board, and its introduction shall be recorded in the minutes.

Rule 27. Adoption, Amendment, or Repeal of Ordinances. To be adopted at the meeting where it is first introduced, an ordinance or an action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order, or another ordinance requiring a public hearing before adoption) must be approved by all members of the board of commissioners. If the proposed measure is approved by a majority but not by all members of the board, or if the measure 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 one hundred days of its introduction receives a majority of the votes cast, the measure is adopted.

Rule 28. Quorum. A majority of the board membership shall constitute a quorum. The number required for a quorum is not affected by 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.

Rule 29. Votes on Amendments to Zoning Ordinances. The board may at its option make a decision on amendments to the Unified Development Ordinance in the meeting at which the public hearing is held if there were no opposition voiced to the petitions or shall make its decision at the next regularly scheduled meeting of the board.

Rule 30. Public Hearings. The board establishes the following policy for comment at public hearings called by the board. Such public hearings may be held at any place within the County. A quorum of the board must be present at all public hearings required by law. If a public hearing is set for a given date and a quorum of the board is not then present, the hearing shall be deemed continued, without further advertisement, until the board's next regular meeting.

For persons desiring to address the board, the clerk to the board shall provide a sign-up sheet at the entry to the meeting room not later than thirty minutes prior to each meeting at which the board has called for a public hearing. The clerk may also offer an online sign-up sheet, at the clerk's discretion. The chair will recognize speakers in the order in which their names appear on the sign-up sheet. Each speaker must address the board from the lectern, and they will be asked to begin their remarks by giving their name, stating whether they are residents of Union County, and indicating the municipality within which they reside, if any. Each speaker will have three (3) minutes to make remarks, provided that this limitation shall not apply to staff or staff representatives, nor shall it apply to applicants for rezoning permits, as further provided below.*

A speaker may not yield any of his or her time to another speaker. Speakers shall limit their remarks to those addressing the subject of the public hearing. Speakers may leave written comments and/or supporting documents, if any, with the clerk to the board.

* The applicant for a rezoning permit pursuant to the Unified Development Ordinance shall speak first following comments by staff, and the applicant will not be limited to three (3) minutes. Rather, the applicant will be given a reasonable length of time, not to exceed fifteen (15) minutes, to explain the application, while keeping comments succinct and directly relevant to the application. The chair may determine when an applicant has exceeded a reasonable time for presentation of the application.

If at the beginning of the public hearing the chair determines that the time required to hear all speakers on the sign-up sheet would unduly disrupt the conduct of County business or cause undue inconvenience to citizens in attendance for other items on the agenda, the chair may require (i) the designation of spokesmen for groups of persons supporting or opposing the same positions and (ii) 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 meeting room. The chair may also provide reasonable direction in order to provide for the maintenance of order and decorum in the conduct of the hearing.

Rule 31. Minutes. The clerk shall keep full and accurate minutes of the proceedings of the board, with the results of each vote in the minutes, with the ayes and noes upon any question being recorded. When meeting in closed session, the minutes shall include a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Minutes shall be open to public inspection; provided, however, that minutes or an account of a closed session may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session. After minutes are prepared by the clerk, they shall be reviewed by staff, and then submitted to the board for approval.

Rule 32. Appointments. The board shall use the following procedure to make appointments to fill vacancies in boards and public offices over which the board has power of appointment (other than appointments to vacancies in the board itself). For appointments to vacancies in the board itself, the board shall make such appointments in accordance with G.S. 153A-27.

Upon receipt of notification that the board has vacancies to fill, the Clerk shall make reasonable efforts to notify the public of the vacancies to be filled. The notification to the public may include any of the following: (1) the posting of a public notice of the vacancies to be filled by

the board on the main bulletin board of the Union County Government Center; (2) the publication of a notice to be published once in a newspaper of general circulation in Union County, said publication to take place not less than seven (7) days, nor more than thirty (30) days prior to the date of the meeting at which the board will consider filling the vacancy (3) the running of a notice on local cable television; (4) such other reasonable notification designed to notify the public that the board is considering the filling of a vacancy. The notice shall advise the public of the nature of the vacancies to be filled by the board at a particular meeting, and shall invite members of the public to submit applications for the vacancies. The applications shall be made available by the Clerk, and shall be in such form as has been approved by the board. In order to be considered at a given meeting, the application must be received in the office of the Clerk to the Board not later than 5:00 p.m. on the Tuesday preceding the meeting.

The chair shall open the floor to nominations, whereupon the members shall put forward and debate names of possible appointees. After the debate, the chair shall call the names of each nominee, in the order of their nomination, and each member of the board shall vote. The first nominee to receive a majority of the votes of the members of the board present shall be appointed. In the event that there shall be more than one position open for appointment on a given board, then the chair shall continue to call the names of the nominees, in the order of their nomination, until all positions are filled.

Rule 33. 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 first to "***Suggested Rules of Procedure for the Board of County Commissioners***" and ***Robert's Rules of Order*** to resolve procedural questions.