

# Pitt County Board of Commissioners

## Greenville, North Carolina

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**PITT COUNTY BOARD OF COUNTY COMMISSIONERS**

**GREENVILLE, NORTH CAROLINA**

**RULES OF PROCEDURE**

**FOR**

**PITT COUNTY BOARD OF COMMISSIONERS**

The following Rules shall be the Rules of Procedure adopted by the Pitt County Board of Commissioners (hereinafter referred to as “Board”) to follow when meeting to conduct public business:

**DEFINITIONS** – The following definitions shall apply with regard to these Rules of Procedure:

- **Agenda** – a list of items to be done and matters to be considered.
- **Agenda Preview Session** – information sharing session – no action taken
- **Closed Session** – a meeting, excluding the public, where only certain permitted subjects may be discussed. Action is only allowed under certain narrow conditions, in accordance with G.S. 143-318.11.(a).
- **Commissioners’ Comments & Committee Reports** - shall mean a time for individual Board members to share information with other members of the Board and the public. These comments/reports may be on items requiring action for future agendas, and will not be acted upon at the meeting at which first presented unless by unanimous consent of the Board that the item be acted on at the time of presentation.
- **Consent Agenda** – a listing of items that are considered non-controversial, do not use county fund balance, or increase staff, which do not generally need explanation nor debate, such as approval of budget amendments, minutes, etc. and may be routine.

- **Majority Vote** – Five (5) votes shall constitute a majority vote and shall be necessary to pass or defeat any action. A majority vote of five may only be waived when an emergency meeting has been called and a quorum is present.
- **Quorum** – Five (5) members of the Board of Commissioners shall constitute a quorum. If a member has withdrawn from a meeting without asking to be excused by majority vote, he/she shall be counted as present for the purposes of determining whether a quorum is present.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.
- **Super Majority** – Seven (7) votes shall be necessary to pass or defeat any action. A super majority vote of seven (7) may only be waived when an emergency meeting has been called and a quorum is present.
- **Sunshine List** – a listing of all persons, corporations, or other entities that have in writing requested notification of all meetings of the Board. The Board shall require individuals (other than the media) to pay a \$10.00 annual fee and renew said request annually.

**PROCEDURES** - The following procedures shall apply to Board functions.

**I. Board Meetings**

**1. Regular Meetings**

The Board will hold a regular meeting on the first Monday and third Monday of each month. The Board may cancel or reschedule the meeting. The first Monday meeting will begin at 9:00 a.m. unless otherwise designated by the Board. The second regular monthly meeting of the Board will begin at 6:00 p.m. Both regular meetings of the Board of Commissioners will be held in the Commissioners' Auditorium, at the County Office Building, located at 1717 West 5th Street, unless otherwise designated by the Board. As required by N.C.G.S. 143-318.12(a) a

schedule of meetings shall be kept on file with the Clerk to the Board who shall publish the schedule and any changes thereto and shall notify all persons, organizations or entities (as noted in the sunshine list) at least 48 hours prior to said meeting.

## **2. Special Meetings**

The Chairman or any five (5) 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 Chairman or the members who call the meeting shall cause the notice to be delivered to the County Manager and all Commissioners at least 48 hours before the meeting. The County Manager or designee shall verify that all commissioners have received notice of the meeting and shall cause a copy of the notice to be posted on the three (3) official County notice sites (front door of County Administration Building, door of meeting room and courthouse) at least 48 hours before the meeting. Only those items of business specified in the notice shall be discussed at a special meeting.

## **3. Emergency Meetings**

Emergency meetings may be called by the Chairman or five (5) members to deal with an unexpected circumstance which requires immediate consideration by the Board. In this situation the notice requirements do not apply. However, the person or persons who call an emergency meeting shall take all reasonable action to inform the other Board members, the press, and the public of the meeting at the earliest possible time, prior to the meeting. Only business connected with the emergency may be discussed at the meeting.

## **4. Recessed or Workshop Meetings**

A properly called regular, special or emergency meeting may be recessed to a time and place certain by a procedural motion adopted by a majority vote. The motion shall state the time and place when the meeting will reconvene. Workshop meetings are held as needed and properly scheduled following the public notice laws. Action may be taken during workshop meetings.

**5. Organizational Meetings – November and December**

**A. November** – At the last meeting in November of any election year, retiring commissioners shall be honored, so that the organizational meeting scheduled for the first meeting in December can proceed with oaths of office for new board members.

**B. December** – At the first regular meeting in December, the newly-elected members of the Board and any members who were re-elected, if any, shall take and subscribe the oath of office as the first order of business. As the second order of business, the Chairman shall turn over the meeting to the County Attorney who shall preside over the Board for the election of officers for the following year. The Board shall elect a Chairman and Vice-Chairman from among its members, who shall then immediately assume those positions for the ensuing year. Any commissioner may nominate any other commissioner for Chairman or may nominate the current Chairman or Vice-Chairman for a second term. Nominations do not require a second. It is not necessary to open or close nominations by motion. Once all commissioners have had an opportunity to make a nomination, with the last nominee being voted on first, and continuing in reverse order. A super majority vote of the entire board is necessary to elect the current Chairman or Vice-Chairman for a second term, otherwise a simple majority is required. Only two consecutive terms as Chairman are allowed. The title “Chairman” and “Vice-

Chairman” shall refer to persons who hold those positions, whether male or female. As the third order of business, the Board shall approve the bonds of the Register of Deeds, the Sheriff, the Finance Officer, the Tax Collector and Deputy Tax Collector. The fourth order of business of the Board shall be the adoption, request for change, or confirmation of the Boards’ Rules of Procedure. The fifth order of business of the Board shall be the seating arrangement for Board members, will be shuffled with the intent that new members will be seated next to an experienced member or staff member and other members will be seated to accommodate any special needs. Any conflicts shall be settled by the Chairman. Resolutions shall be prepared to honor the Chairman & Vice-Chairman and be presented at the second meeting in December after the election of the new Chairman & Vice- Chairman.

**II. Removal of the Chairman and Vice-Chairman**

The Chairman and Vice-Chairman of the Board shall be elected annually at the first regular meeting in December and shall not be removed from their office unless becoming disqualified to serve as a member of the Board. Should removal occur, a new Chairman shall be elected to serve out the remainder of the term of Chairman.

**III. Agendas**

1. **Regular Agendas** – The County Manager, with input from the Chairman, shall prepare the agenda for each meeting. A written request to have an item of business placed on the agenda should be received by the County Manager at least ten (10) days before the meeting, when practical. Any Commissioner may request an item be placed on the agenda by a timely and proper request to the County Manager. Department Head, citizen or group, by a timely and proper request, may request an item be placed on the agenda. Department Heads must send an Abstract detailing

their request to the County Manager with backup data (if necessary for clarity) at least ten (10) days prior to the meeting. A list of deadlines for submission of agenda items is available in the Clerk's office. Citizens may make a request to be placed on the Agenda by sending a written request to the County Manager detailing the subject matter to be presented and the length of time requested. The Chairman reserves the right to refuse the request, except from a county commissioner, or to limit the amount of time for any request. The Chairman may restrict subject matter, except from a county commissioner. 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 and resolutions shall be attached to the agenda. Large extensive documents may be placed in the Clerk's office, for the public to review. A copy of the agenda and attached materials shall be available for public inspection as soon as they are completed. Each Commissioner shall receive a copy of the agenda for regular meetings at least three (3) days prior to the meeting. Upon a majority vote at any meeting of the Board, other than a special or emergency meeting, any Board member may request that an additional item be placed on the agenda at the time of agenda approval at the beginning of the meeting.

2. **Consent Agenda** – shall be introduced by a motion “to approve the Consent Agenda”, and shall be considered by the Board as a single item. The intent of the Consent Agenda is expedient processing for repetitious or non-controversial items of business. There shall be no debate or discussion by any member of the Board regarding any item on the Consent Agenda, beyond asking questions for simple clarification. On objection by any Board member to inclusion of any item on the Consent Agenda, that item shall be removed from the Consent Agenda forthwith.

Such objection may be recorded at any time prior to completing the taking of a vote on the motion to approve the Consent Agenda. Items which have been objection may be recorded at any time prior to completing the taking of a vote on the motion to approve the Consent Agenda. Items which have been objected to and removed from the Consent Agenda shall, immediately after the vote on the Consent Agenda has been taken, be considered individually and in the order in which the objections were raised. Approval of the motion to approve the Consent Agenda shall constitute approval, adoption or enactment of each motion, resolution, or other item of business thereon, exactly as if each had been acted upon individually. Items requiring appropriation of contingency or fund balance or hiring of new personnel shall not be placed on the consent agenda.

**IV. Agenda Preview Session**

The County Manager and certain members of staff may meet informally with the commissioners, to preview matters on the upcoming agenda for the purpose of seeking clarification and additional information. These meetings are administrative in nature and not intended to be Board meetings, but will be open for public attendance.

**V. Public Addresses to the Board**

There shall be a time set aside at each regular meeting of the Board for public comment. This total time shall not exceed 30 minutes, unless otherwise permitted by the Chairman. Each citizen or group who wishes to speak during this time must sign up on a sign up sheet, giving their name, the organization they represent (if any), address and the subject matter they wish to discuss prior to the start of the meeting. Only the person requesting the presentation may speak, unless otherwise permitted by the Chairman. The Chairman may recognize any citizen to speak to the Board during the course of any meeting if deemed appropriate by the Chairman. A majority vote by

the Board may overrule the Chairman if a vote is requested. Each citizen shall be allowed three (3) minutes for their presentation unless the Board, by consensus, grants a greater amount of time. A speaker representing a group of individuals may be allowed five (5) minutes for their presentation. Each speaker, during the Public Comment period, shall be limited to one appearance at each regular meeting of the Board. All citizens are expected to follow proper decorum and shall not use profanity or defamatory speech. The public is expected to remain seated except when leaving the room, or unless specifically requested by the Chairman of the Board to approach the podium. Only presenters listed on the agenda, or recognized by the Chairman, will be called to the podium to address the Board.

Commissioners are expected not to comment on matters brought to the Board during this time, but to delay action or comment until staff has had an opportunity to research the subject matter and to report necessary and relevant information to all members of the Board.

## **VI. Order of Business**

Items will be placed on the agenda according to the “Order of Business”. The Order of Business for each regular meeting will be as follows:

1. Call to Order
2. Roll Call
3. Determination of a Quorum and excusing member(s) not present
4. Invocation and Pledge
5. Agenda Discussion/adjustment, additions or deletions, and approval of agenda
6. Award Ceremony
7. Scheduled Public Hearings, if any
8. Public Addresses to the Board

9. Administrative reports, Department Spotlights
10. Committee reports or scheduled presentations
11. Consent Agenda
12. Items for Discussion
13. Items for Decision
14. Commissioners' Comments
15. Closed Session
16. Adjournment

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

**VII. Powers of the Chairman (President Officer)**

The Chairman shall preside at all meetings of the Board. A Board member must be recognized by the Chairman in order to speak to the Board. The Chairman shall have the following duties and 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/her remarks and to entertain and rule on objections from other Board members on this ground;
3. To entertain and answer questions on the Board's Rules of Procedure, or to defer same to the County Attorney;
4. To call a brief recess at any time;
5. To adjourn in an emergency
6. To call a special or emergency meeting;
7. To make ex-officio Board member appointments to various boards and commissions.

## **VIII. Duties of Vice-Chairman**

Vice-Chairman presides and acts in the absence of the Chairman, or when the Chairman is physically unable to attend the meeting or to attend to his responsibilities as Chairman.

## **IX. Action by the Board**

The Board shall proceed by motion. Any member, excluding the Chairman, may make a motion. (For further clarification, see Exhibit A attached and made a part hereto)

1. One Main Motion may be made and seconded at a time.
2. An Amendment to the main motion may be handled two ways:
  - A. An amendment may be offered by any commissioner and accepted by the motion maker, as well as accepted by the person who seconded the main motion, or
  - B. An amendment to the main motion may be made by another motion and seconded. An amendment to a motion is voted on prior to the main motion, and, if passed; is added to the main motion for a final vote. No more than one amended motion may be made to the principal motion, at one time. This rule stands for the basic principle of parliamentary procedure that distinct issues will be considered and dealt with, one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.
3. A Substitute Motion may be made with the intention of totally changing the content of the main motion. A substitute motion is voted on before the main motion, and if passed, eliminates the need to vote on the main motion.
4. A second is required on all motions, amended motions or substitute motions.

5. A motion to go into closed session must cite one or more purposes under G.S. 143-318.11(a) and shall be adopted in an open meeting.
6. A motion must be made in closed session to return to open session.
7. A motion to “call the question” is not in order until there has been an opportunity for every member desiring to speak to speak one time. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation on a pending matter.
8. A motion may be made to divide a complex motion and consider it by paragraph.
9. A motion whose consideration has been deferred, expires 60 days thereafter, unless a motion to revive consideration is adopted during the 60 day period.
10. A motion may be made which allows a matter to be postponed until a time certain. No further action by a member is necessary to ensure that it will be placed on a future agenda on that date.
11. For a matter to reconsidered, it must be brought before the Board during the 60 day period following its deferral at a previous meeting.
12. To recess or postpone the meeting to a certain time or day.
13. A motion may refer a matter to a committee. After 45 days a motion has been referred to a committee, the introducer may compel consideration of the matter by the entire Board, regardless of whether the committee has reported back to the Board.
14. Any member may appeal a ruling of the Chairman. This must receive a Super Majority vote of all members present.

**X. Procedural Motions**

1. To approve the agenda and consent agenda

2. To adjourn the meeting. Motion to adjourn takes precedence over all other motions or matters. A motion to adjourn is not in order until there has been an opportunity for all agenda items to be addressed. A majority vote is required.
3. To take a brief recess.
4. To defer consideration. A motion whose consideration has been deferred expires 60 days thereafter unless a motion to revive consideration is adopted during the 60 day period following deferral.
5. To table for reconsideration at a time certain.

**XI. Debate by the Board**

1. The Chairman shall control debate unless relinquishing control to another member while the Chairman is involved in active debate on a particular issue. The Chairman must recognize each person who wished to speak. No member shall speak for more than three (3) minutes on the question under debate, except by a majority vote of the members present, and no more than once on the same question until all who wish to speak have the opportunity to do so. In all meetings each member, before speaking, shall be recognized by the Chairman. The speaker shall confine him/herself to the question under debate and shall avoid all personal or indecorous language. No member shall interrupt another while speaking, except to rise for a point of order or to ask a question or information only. The point should be briefly stated to the presiding officer. No person, not a member of the Board, shall speak on any matter pending before the Board without the consent of the Chairman.
2. Chairman shall preside over the debate according to these general principles:
  - A. The Chairman shall restate the motion and then open the floor to debate.
  - B. The introducer, the member who makes the motion, is entitled to speak first.

- C. A member who has not spoken on the issue shall be recognized before someone who has already spoken on the issue.
- D. To the extent possible, the debate shall alternate between the opponents and the proponents of the measure.
- E. Any member has the right to appeal the ruling of the Chairman. Any ruling shall stand unless overruled by a super majority vote of the members present.

**XII. Presiding Officer When The Chairman Is In Active Debate**

The Chairman shall preside at meetings of the Board unless he becomes actively engaged in debate on a particular issue, in which case, the Chairman shall designate the Vice Chairman to preside unless the Vice Chairman is in the debate. If this occurs, then another Board member may be appointed to preside until the debate is concluded. The Chairman shall then resume the duty to preside as soon as action on the matter is concluded.

**XIII. Commissioners to be Excused**

Any Commissioner who leaves a meeting without being excused by majority vote of the members present, shall subject his vote to being counted with the prevailing side on any issue. If member is excused by majority vote, no vote shall be counted for the excused member.

**XIV. Duty to Vote**

Every member, including the Chairman, must vote unless excused by a majority vote of those members present. A member who wishes to be excused from voting shall so inform the Chairman, who shall take a vote of the remaining members. The Board may excuse a member from voting only on matters involving his or her own financial interest or own official conduct. A member, with a duty to do so, who fails to vote shall be counted as voting with the prevailing side.

**XV. Introduction of Ordinances**

A proposed ordinance shall be deemed to be introduced at the first meeting at which it is actually considered by the Board. There are certain statutory requirements which must be met in enacting an ordinance, including holding a public hearing in some, but not all cases.

**XVI. 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 or any bond order) 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 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.

**XVII. Adoption of the Budget Ordinance**

- 1 Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the Board by a majority vote, 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 procedure requirement governing the adoption of ordinances or resolutions by the Board.
- 3 The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the revisions of any local act concerning initiative or 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 special meetings that may be necessary to complete its work on the budget ordinance. Any provisions of law concerning the call of special meetings do not apply during that period so long as (i) each member of the Board has actual notice of each special meeting called for the purpose of considering the budget, and (ii) no business other than consideration of the budget is taken up. This section does not allow the holding of closed meetings by the Board otherwise prohibited by law from holding such a meeting or session, and may not be construed to do so.

#### **XVIII. Closed Sessions**

The County Attorney shall cite the North Carolina General Statutes granting authority for the Closed Session prior to going into closed session, and suggest the proper motion to do so. The Board must vote to return to open session prior to a motion to adjourn the meeting. The Board may hold closed sessions as provided by law. It shall commence a closed session by a majority vote to do so and terminate a closed session in the same manner.

#### **XIX. Public Hearings**

Public hearings required by law or deemed advisable by the Board shall be organized by a special notice, 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 allowed to each speaker, etc. However, procedural public hearings such as public hearings on zoning related matters, rezoning applications, special use permits and other routine planning matters may be scheduled by the staff and approved by the County Manager for the Board's schedule.

At the appointed time for the public hearing, the Chairman or his designee shall call the hearing to order and then preside over it. When the allotted time expires or no one else wishes speak, the Chairman or his designee shall declare the hearing closed. As a general rule speakers will be allowed 5 minutes unless allotted additional time by the Chairman.

**XX. Quorum at Public Hearings**

At least five (5) members of the Board shall be required to be present at all public hearings.

**XXI. Minutes**

Minutes shall be kept of all meetings of the Board, including Closed Sessions. The minutes of public addresses shall consist of the name of the person speaking and the subject matter.

**XXII. Filling a Vacancy on the Board**

Any vacancy on the Board of Commissioners must be filled according to N.C.G.S. 153A-27 which is **attached as Exhibit B** to these rules for informational purposes.

**XXIII. Parliamentarian**

The County Attorney shall serve as Parliamentarian and Time Keeper for the Board.

**XXIV. Effective Date of Rules of Procedure**

Reconfirmed & Adopted this the 19th day of December, 2011.

PITT COUNTY BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Chairman

ATTEST:

Clerk to the Board  
MADE AN OFFICIAL PART OF THE "PITT COUNTY ADMINISTRATIVE  
PROCEDURES AND POLICY MANUAL" WHICH IS AVAILABLE FOR REVIEW IN  
ALL DEPARTMENTS

**Exhibit A**

PARLIAMENTARY RULES FOR  
BOARD OF COMMISSIONERS

**Motion to Adjourn: Purpose to end meeting**

- May not interrupt the Speaker  
Takes precedence over all other Motions  
Requires a second  
Is not debatable  
May not be amended  
Takes a majority vote to pass

**Motion to Call the Question: Purpose to end debate**

- Is not in order unless everyone who desires  
to speak has had one opportunity to speak  
May not interrupt the Speaker  
Requires a second  
Is not debatable  
May not be amended  
Takes a majority vote to pass

**Motion to Amend: Purpose to modify a main Motion**

- May not interrupt Speaker  
Requires a second  
Is debatable  
It is amendable – once  
Takes a majority vote to pass

**Motion to Rescind: Purpose to void a previous action**

- May not interrupt Speaker  
Requires a second  
Is debatable  
May be amended  
Requires a super majority vote unless prior notice is given

**Motion to Reconsider: Purpose to modify prior vote**

- Must be made by member who voted with the Prevailing side  
May interrupt Speaker  
Second is required

Is not amendable  
Majority vote  
Must be brought at same meeting as original Motion

**Motion to uphold the ruling of the Chairman:**

- When Chairman has ruled on a matter and is  
Challenged by a member of the Board  
Majority vote

**Motion to Table: Purpose to delay vote until later**

- May not interrupt speaker  
Second is required  
Is not debatable  
Is not amendable  
Majority vote needed

**§ 153A-27. Vacancies on the board of commissioners.**

If a vacancy occurs on the board of commissioners, the remaining members of the board shall appoint a qualified person to fill the vacancy. If the number of vacancies on the board is such that a quorum of the board cannot be obtained, the chairman of the board shall appoint enough members to make up a quorum, and the board shall then proceed to fill the remaining vacancies. If the number of vacancies on the board is such that a quorum of the board cannot be obtained and the office of chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon the request of any remaining member of the board or upon the petition of any five registered voters of the county. If for any other reason the remaining members of the board do not fill a vacancy within 60 days after the day the vacancy occurs, the clerk shall immediately report the vacancy to the clerk of superior court of the county. The clerk of superior court shall, within 10 days after the day the vacancy is reported to him, fill the vacancy.

If the member being replaced was serving a two-year term, or if the member was serving a four-year term and the vacancy occurs later than 60 days before the general election held after the first two years of the term, the appointment to fill the vacancy is for the remainder of the unexpired term. Otherwise, the term of the person appointed to fill the vacancy extends to the first Monday in December next following the first general election held more than 60 days after the day the vacancy occurs; at that general election, a person shall be elected to the seat vacated, either to the remainder of the unexpired term or, if the term has expired, to a full term.

To be eligible for appointment to fill a vacancy, a person must (i) be a member of the same political party as the member being replaced, if that member was elected as the nominee of a political party, and (ii) be a resident of the same district as the member being replaced, if the county is divided into electoral districts. The board of commissioners or the clerk of superior court, as the case may be, shall consult the county executive committee of the appropriate political party before filling a vacancy, but neither the board nor the clerk of the superior court is bound by the committee's recommendation. (Code, s. 719; 1895, c. 135, s. 7; Rev., s. 1314; 1909, c. 490, s. 1; C.S., s. 1294; 1959, c. 1325; 1965, cc. 239, 382; 1967, cc. 7, 424, 439, 1022; 1969, cc. 82, 222; 1971, c. 743, s. 1; 1973, c. 822, s. 1; 1985, c. 563, ss. 7.3, 7.4.)