

**RULES OF PROCEDURE
FOR THE
RANDOLPH COUNTY BOARD OF COMMISSIONERS**

Rule 1. Applicability of Rules (pursuant to NCGS 153A-41)

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

B. 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. Adoption of these rules or an amendment thereof shall require an affirmative vote equal to a quorum.

Rule 2. Open Meetings

A. The public policy of North Carolina and of Randolph County is that the hearings, deliberations, and actions of this Board and its committees be conducted openly, and any person may attend.

B. 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

A. Notwithstanding the provisions of Rule 2, the Board may hold a closed session and exclude the public, but only for those purposes set out in North Carolina General Statute 143-318.11(a), as follows:

1. To prevent the disclosure of information that is privileged or confidential pursuant to the law of this state or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes. NCGS 143-318.11(a)(1)

2. To consult with the County Attorney or another attorney employed or retained by the County in order to preserve the attorney-client privilege. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. NCGS 143-318.11(a)(3)

3. To discuss matters relating to the location or expansion of industries or other businesses in the county. NCGS 143-318.11(a)(4)

4. To establish, or to instruct staff or negotiating agents concerning the position to be taken by or on behalf of the Commissioners in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. NCGS 143-318.11(a)(5)(i)

5. To establish, or to instruct staff or negotiating agents concerning the position to be taken by or on behalf of the Commissioners in negotiating the amount of compensation and other material terms of an employment contract or proposed employment contract. NCGS 143-318.11(a)(5)(ii)

6. To consider the initial employment or appointment of an individual to any office or position, other than a vacancy in the Board of County Commissioners or any other public body, and to consider the qualifications, competence, performance, character, and fitness of any public officer or employee. NCGS 143-318.11(a)(6)

7. To hear or investigate a charge, complaint or grievance by or against an individual public officer or employee. Final action regarding such complaint, charge, or grievance shall be taken in open session. NCGS 143-318.11(a)(6)

8. To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct. NCGS 143-318.11(a)(7)

9. 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. NCGS 143-318.11(a)(9)

B. The Board may go into closed session only upon motion made and adopted at an open meeting. This motion must cite one or more of the permissible purposes listed in Rule 3.A. In addition, a motion to go into closed session pursuant to Rule 3.A.1. must state the name or citation of the law that renders the information to be discussed privileged or confidential, and a motion to go into closed session pursuant to Rule 3.A.2. must identify the parties in each existing lawsuit, if any, concerning which the board expects to receive advice during the closed session.

C. Unless the motion provides otherwise, the County Manager, County Attorney, Staff Attorney, Clerk to the Board, and any necessary staff or agents may attend the closed session. No other person shall attend the closed session unless specifically invited by majority vote of the Board.

D. In the absence of the Clerk, the Board shall designate a secretary to record a general account of the session, any action taken, and who was present. The minutes shall also reflect that the person who took the minutes acted as secretary and shall sign the minutes of the closed session as "acting secretary."

E. The Board shall conclude a closed session and return to open session when the presiding officer declares the closed session to be ended.

Rule 4. Regular Meetings (Time and Place)

A. The Board of County Commissioners shall adopt its regular meeting schedule for the upcoming calendar year at its preceding November regular meeting. Regular meetings shall be held in the 1909 Historic Courthouse Meeting Room, 145 Worth St., Asheboro, NC, and shall begin at 6:00 p.m., with Zoning public hearings, having been duly noticed, and beginning at 7 p.m.

B. 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 resolution shall be filed with the Clerk to the Board and posted at or near the regular meeting place, official County bulletin board, and copies shall be sent to all persons who have, in writing, requested notice of special meetings of the Board.

Rule 5. Special, Emergency, and Informal Meetings

A. 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. At least forty-eight hours before the meeting, the notice shall be posted on the principal bulletin board of the County and delivered to all Board members or left at the usual dwelling place of each member. In addition, the notice shall be mailed or delivered to individual persons and news organizations who have filed a written request for notice with the Clerk to the Board. Requests for notice by individuals are subject to a \$10 non-refundable annual fee; requests by news organizations are not subject to any fee. Only items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or those not present have signed waivers.

B. A *special meeting* may also be scheduled by vote of the Board in open session during another duly called meeting. The motion calling for the special meeting shall specify its time, place, and purpose. At least forty-eight hours before the meeting, the notice shall be posted on the principal bulletin board of the County and delivered to all Board members not present at the meeting at which the special meeting was called. Only items of business specified in the motion calling for the special meeting may be transacted at a special meeting called in this manner unless all members are present and the Board determines in good faith at the meeting that it is essential to discuss or act on the additional item immediately.

C. The Chair or a majority of Board members may at any time call an *emergency meeting* of the Board 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 Board member and to each news organization that has filed a written emergency meeting notice request with the Clerk to the Board, and whose request includes that organization's telephone number. Only business connected with the emergency may be considered at an emergency meeting.

D. 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 the Board. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special Board meetings.

Rule 6. Organizational Meetings

- A. On the date of the regular meeting in December, the newly elected members shall take and subscribe the oath of office as the first order of new business. As the second order of new business, the Board shall elect a chairman and vice-chairman. The swearing-in and election may be preceded by the completion of pending items of unfinished business by the incumbent board.
- B. The outgoing chairman shall preside over the meeting until a new chairman is elected. If the outgoing chairman is not present, the County Manager or Clerk to the Board shall preside until a new chairman is elected.

Rule 7. Location of Meetings

- A. Regular meetings shall be held within the boundaries of Randolph County.
- B. 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.
- C. A special meeting called during a session of the General Assembly for considering and acting on an order or resolution requesting members of the General Assembly representing all or any portion of Randolph County to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in Raleigh or other such place as stated in the call of the meeting.
- D. A meeting may be held within or outside the boundaries of Randolph County in connection with a retreat, forum, or similar gathering solely for the purpose of providing members of the Board with general information relating to the performance of their public duties.
- E. A meeting may be held within or outside the boundaries of Randolph County while in attendance at a convention, association meeting, or similar gathering 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 or its constituents.

Rule 8. Agenda

- A. The Clerk to the Board shall prepare the agenda for each meeting. A request to have an item of business placed on the agenda for a regular meeting must be received at least four working days before the meeting. Any Board member may, by a timely request, have an item placed on the agenda.
- B. The agenda packet shall include as much supporting documentation and background information as is available and feasible to reproduce, including any proposed ordinances, resolutions, policies, etc., or any proposed amendments thereof. A copy of the agenda packet shall be delivered to each Board member at least two working days 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 usual dwelling.

C. The Board may, by general consent, add items to or remove items from the proposed agenda.

D. Routine agenda items may be designated under a section of the agenda called “consent agenda” and will be approved in one motion without discussion. Upon request by any one Board member, any item listed under the consent agenda shall be removed from the consent agenda and considered separately.

E. Items shall be placed on the agenda according to the order of business. Without objection, the Chairman may call items in any order most convenient for the dispatch of business.

Rule 9. Presiding Officer

A. The Chairman shall preside at all Board meetings if he is present. If the Chairman is absent, the Vice-Chairman shall preside. If both the Chairman and the Vice-Chairman are absent, another member designated by vote of the present Board members shall preside.

B. The presiding officer 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.

C. A decision by the presiding officer under any of the first three powers listed above may be appealed to the Board upon motion of any member. 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 10. Action by the Board

A. The Board shall proceed by motion. Any member, including the Chairman, may make a motion. If two or more Commissioners speak at the same time to make a motion (or second), the Chairman shall determine, for purposes of recording action for the minutes, which name the Clerk shall use.

B. A motion shall require a second in order to be considered by the Board.

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

D. A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by the laws of North Carolina. A majority is more than half. A quorum is a majority of the actual membership of the Board, including any vacant seats (NCGS 153A-43). 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.

E. The Chairman or the Clerk shall state the motion and then open the floor to debate. The Chairman shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first;

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

3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.

F. To the extent permitted by law, the Board may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

G. In addition to substantive proposals, only the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted. In order of priority (if applicable), the procedural motions are

1. To appeal a procedural ruling of the presiding officer. (See Rule 9.C.)

2. 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.

3. To take a brief recess.

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

5. To suspend the rules. The motion requires a vote equal to a majority of the entire membership of the Board.

6. To divide a complex motion and consider it by paragraph. This motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

7. To defer consideration. The Board may defer a substantive motion for later consideration at an unspecified time. A substantive motion that has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.

8. Motion for the previous question. This motion is not in order until there have been at least 15 minutes of debate and every member has had an opportunity to speak once.

9. To postpone to a certain time or day.

10. To refer a motion to a committee. The Board may vote to refer a substantive motion to a committee for its study and recommendations. 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 Board, whether or not the committee has reported the matter to the Board.

11. 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 that 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 policy, ordinance, resolution, etc. that is lengthy or complex shall be reduced to writing before the vote on the amendment.

12. To revive consideration. This motion is in order at any time within 100 days of a vote deferring consideration.

13. To reconsider. The Board 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 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. (If a member wishes to reverse an action taken at a previous meeting, he generally may make a new motion having the opposite effect of the prior action.)

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

I. Every member must vote unless excused by the remaining members of the Board. A member who wishes to be excused from voting shall so inform the Chairman, 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 Board or by law, or the member's official conduct, as defined by the Board. In all other cases, a failure to vote by a member who is physically present in the meeting, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

Rule 11. Public Hearings

- A. At the time appointed for the hearing, the presiding officer shall call the hearing to order and then preside over it.
- B. Anyone wishing to speak during a public hearing must first provide his name and address to the Clerk.
- C. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.
- D. The board may continue a public hearing without further advertisement. If a public hearing is set for a given date and a quorum of the board is not then present, the board shall continue the hearing without further advertisement until its next regular meeting, pursuant to NCGS 153A-52.

Rule 12. Public Comment Period

The board of commissioners shall provide a public comment period at its regular business meeting on the first Monday of the month. On August 1, 2005, the Randolph County Board of Commissioners adopted the following rules of procedure for public comment periods:

The public comment period will be limited to 15 minutes at the beginning of the meeting; if more time is required, it will be at the discretion of the Board. Each speaker must give his/her name, both orally and in writing, before speaking. Speakers will be limited to three minutes. Comments are to be directed to the Board as a whole and not to one individual commissioner. Response, discussion or action concerning issues raised during the public input session will be at the discretion of the Board. Speakers will be courteous in their language and presentation. Speakers should not discuss matters which concern the candidacy of any person seeking public office or matters in current or anticipated litigation.

Rule 13. Minutes

- A. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and
on the request of any member of the Board, the entire Board shall be polled by name on any vote.

B. Minutes and general accounts of closed sessions shall be considered sealed automatically. Closed session records shall be unsealed by Board action if and when the closed session's purpose would no longer be frustrated by making these records public.

Chairman

County Commissioner

County Commissioner

County Commissioner

County Commissioner

**adopted 4/10/00

**amended 6/6/11 (to reflect regular meeting schedule change from 1 mtg./mo. to 2 mtgs./mo., the second meeting on the 3rd Monday of the month for zoning public hearings; minor housekeeping changes; and to incorporate previously adopted Public Comment Period Rules into these ROP.)

**amended 9/6/11 (to reflect meeting schedule change from 2 mtgs./mo. to 1 mtg./mo., beginning at 6 p.m., the zoning public hearing beginning at 7 p.m. at the regular meeting on the 1st Monday of the month.

**amended 11/7/11 to specify that the BOC will adopt its upcoming calendar year regular meeting schedule every November.