

## CHAPTER 3

### PROCEDURES OF GOVERNING BODY

#### Article I

#### MEETINGS

##### Sec. 3-1. Regular Meetings

The council shall hold a regular meeting on the fourth Tuesday of each month, unless in that week is a legal holiday, in which case the meeting shall be held on another scheduled day. The meeting shall be held at the city hall and shall begin at 7:00 p.m.

##### Sec. 3-2. Special Meetings

- (a) A special meeting is any non-emergency meeting of the council held at any time other than that specified in Section 3-1.
- (b) The mayor, the mayor pro tempore, or any two members of the council may at any time call a special meeting by signing a written statement stating the time and place of the meeting, and the subjects to be considered.
- (c) Notice of the meeting shall be given to council members as provided in this subsection at least forty-eight (48) hours before the meeting;
  - (1) Written notice shall be delivered personally to each council member; or
  - (2) If notice cannot be personally delivered, notice may be left at the council member's usual place of dwelling. In this event, the city clerk shall make every reasonable effort to contact the council member by telephone.
- (d) Special meetings may also be held when all council members are present and consent thereto or when those not present have signed a written waiver of notice, provided that the notice to the media required by subsection (e) is given.
- (e) The city clerk shall give notice of a special meeting to the public and the media, at least forty-eight (48) hours before the meeting, by:
  - (1) Posting a notice of the time and place of the meeting on the city's principal bulletin board; and
  - (2) Mailing or delivering notice of the meeting to each of the media who has requested it in accordance with North Carolina's Open Meetings Law; and

(3) Mailing or delivering notice of the meeting to any person who has filed with the clerk a written request for it in accordance with North Carolina's Open Meetings Law.

(f) Only those items of business specified in the notice may be transacted at a special meeting unless all members are present or have signed a written waiver of notice.

#### Sec. 3-3. Emergency Meetings

(a) An emergency meeting is a meeting of the council called because of generally unexpected circumstances that require immediate consideration.

(b) The mayor, the mayor pro tempore, or any two members of the Council may at any time call an emergency meeting by signing a written statement stating the time and place of the meeting and the subjects to be considered.

(c) Notice of the meeting shall be given to council members in the same manner as notice of special meetings.

(d) Emergency meetings may also be held when all council members are present and consent thereto or when those not present have signed or have not signed a written waiver of notice, provided that the notice to the media required by subsection (e) is given.

(e) The city clerk shall give notice of an emergency meeting to each of the media who has requested it in accordance with the Open Meetings Law. This notice shall be give either by telephone or by the same method used to notify council members and shall be given immediately after the notice has been given to those members.

(f) Only business connected with the emergency may be transacted at an emergency meeting.

#### Sec. 3-4. Continued or Recessed Meetings

(a) By majority vote the council may continue or recess any regular, special or emergency meeting to any place and time specified in the motion to continue or recess the meeting.

(b) No further notice need be given of any continued recessed session of a meeting set in accordance with subsection (2).

### Article II

#### GENERAL MEETING PROCEDURES

#### Sec. 3-6. Agenda

(a) Preparation. The manager shall be responsible for setting the agenda for the meeting.

- (b) Requests to be placed on agenda. A request to have any item of business placed on the agenda must be received by the manager no later than seven (7) calendar days in advance of a regular meeting so that the agenda may be printed and distributed in accordance with subsection (e) of this section.
- (c) Requests to address council. Any individual or group that wishes to address the council shall make a request to be on the agenda to the city clerk. However, the council shall determine at the meeting whether the individual or group will be heard by the council.
- (d) Contents. 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. Whenever possible a copy of all proposed ordinances shall be attached to the agenda and distributed simultaneously.
- (e) Inspection and distribution. Copies of the agenda and attachments shall be available for public inspection as soon as they are completed. Copies of the agenda and attachments shall be mailed or delivered to the council members at least four (4) calendar days prior to the meeting. Additional copies of the agenda may be available for the press and interested members of the public.
- (f) Additions. The council may, by consensus or majority vote of the council membership, add an item of business that is not on the agenda. Unless otherwise specified by the council, additions to the agenda shall be taken up at the conclusion of all other regular business.

Sec. 3-7. Order of Business

- (a) Items of business shall be taken up at a meeting in the order that they appear on the agenda, except as provided in subsection (d).
- (b) Items shall be placed on the agenda according to the "Order of Business" established by the council upon recommendation of the manager.
- (c) In establishing the "Order of Business," the council may authorize broad categories of business to be included as agenda items, such as "members of the public wishing to be heard," or "matters by the manager" or "matters by the attorney."
- (d) Items may be considered out of order by consent of all members present or by majority vote upon a motion.

Sec. 3-8. Presiding Officer

- (a) The mayor shall preside at meetings of the council, except as provided in subsection (b). A member must be recognized by the mayor in order to address the council.

- (b) If the mayor becomes actively engaged in debate on a particular proposal, he may delegate the duty to preside over the debate to the mayor pro tempore or to any other member of the council who is not so engaged and who acquiesces in the delegation. The temporary chairman may only preside over the debate and may not participate in it; however, he does not forfeit his right to vote on the issue by acting as temporary chairman. The mayor shall resume the duty to preside as soon as action upon the matter is concluded.

#### Sec. 3-9. Quorum

A majority of the actual membership of the council, excluding vacant seats, shall constitute a quorum. A quorum is necessary for the council to take any official action. 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 a quorum is present.

#### Sec. 3-10. Taking Official Action

- (a) The council shall proceed by motion. A motion, when duly seconded, brings the matter before the council for its consideration.
- (b) A motion may be withdrawn by the introducer at any time prior to a vote if the member who seconded the motion concurs.
- (c) Subject to Sec. 3-13 and other provisions of law, official action of the council shall be by majority vote.

#### Sec. 3-11. Debate

Once a motion has been stated and seconded, the mayor shall open the floor to debate upon it. The mayor shall preside over the debate according to the following general principles:

- (a) The member who makes the motion is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (c) To the extent possible, the debate shall alternate between proponents and opponents of the measure.

#### Sec. 3-12. Voting

- (a) The mayor shall not vote on any question before the council except in the case of a tie vote deadlocking a decision of the council.
- (b) Once a member is physically present at a council meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused from voting

in accordance with Subsection (c) or has been allowed to withdraw from the meeting in accordance with Subsection (d).

- (c) A member may be excused from voting on a particular issue by majority vote of the remaining members present if the matter at issue involves that member's own financial interest or official conduct.
- (d) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
- (e) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is only in order if made by or at the initiative of the member directly affected.
- (f) A roll call vote shall be taken upon the request of any member.
- (g) When this chapter specifies that action shall be taken by majority vote or fails to specify the vote required, that shall be interpreted to mean a vote of the majority of those present and not excused from voting. When a two-thirds vote is required, that shall be interpreted to mean a vote of two-thirds of those present and not excused from voting. When a vote of a certain percentage of the council membership is required, that shall be interpreted to mean the specified percentage of all seats on the council, excluding vacant seats.

#### Sec. 3-13. Adoption of Ordinances

- (a) An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue (including the mayor's vote in case of an equal division) shall be required to adopt an ordinance or take any action having the effect of an ordinance.
- (b) Subject to the provisions of NCGS 159, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of the Council membership. When an ordinance requires a public hearing, the ordinance shall be considered introduced at the meeting when the council sets a date for the public hearing.
- (c) Franchise ordinances and amendments shall not be finally adopted until passed at two regular meetings of the council.
- (d) No appropriation ordinance or any ordinance to alter or repeal an appropriation ordinance shall be enacted at any meeting other than a regular meeting of the council; except by an unanimous vote of the entire council.
- (e) Ordinances shall be confined to one subject except for appropriation ordinances.

- (f) A true copy of an ordinance, which has been duly enacted by the city council, signed by the mayor and attested to by the clerk shall be known as an official copy of any ordinance for the city.

Sec. 3-14. Closed Sessions

The council may hold closed sessions in accordance with NCGS 143 and other provisions of law. The council shall commence and close the session by a majority vote to do so and shall terminate and close the session in the same manner. Minutes shall be kept of executive, closed, and private sessions but may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

Sec. 3-15. Public Hearings

- (a) Public hearings required by law or deemed advisable by the council shall be scheduled pursuant to a motion 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 of each speaker and other matters regarding the conduct of the hearing.
- (b) At the appointed time the mayor shall call the hearing to order and then preside over it. Upon the expiration of the allotted time, or when there are no individuals who wish to speak who have not done so, the mayor shall declare the hearing ended.
- (c) A quorum of the council shall be required at all public hearings required by state law.

Sec. 3-16. Minutes

The clerk shall keep minutes of all meetings of the council and shall keep the minutes and records of all proceedings of the council in a book provided for that purpose.

Secs. 3-17--3-20. Reserved.

Article III

MOTIONS

Sec. 3-21. Substantive and Procedural Motions

- (a) A substantive motion is a motion that seeks to have the council exercise any of its powers, duties, or responsibilities. A motion to amend a substantive motion is also a substantive motion. A substantive motion, other than to amend, is out of order while another substantive motion is pending.

- (b) A procedural motion is a motion that relates either to the manner in which the council conducts its business in general or the manner in which the council deals with a particular substantive issue or substantive motion that is before it.
- (c) Unless otherwise specifically provided, all motions authorized by this article may be amended and debated.

Sec. 3-22. Motion to Amend

- (a) An amendment to a motion must be germane to the subject matter of the motion, but it may achieve the opposite effect of the motion.
- (b) There may be an amendment to the motion, and an amendment to an amendment, but no further amendments.

Sec. 3-23. Reference to Robert's Rules of Order

Robert's Rules of Order shall govern all procedural matters not addressed by the provisions of this chapter. However, no action taken by the council shall be invalidated by a failure to abide by Robert's Rules of Order.

Secs. 3-24--3-30. Reserved.

Article IV

MISCELLANEOUS

Sec. 3-31. Qualifications for Office

Upon the motion of any member, the council shall determine the qualifications of any member. An office may be declared vacant by majority vote of the council membership if the member fails to meet any of the statutory or constitutional requirements of office.

Sec. 3-32. Appointments

The council shall use the following procedure to appoint individuals to various subordinate boards and offices:

- (a) The mayor may open the floor to nominations, whereupon the names of possible appointees shall be put forward by the members and debated. Upon the conclusion of the debate, the mayor shall propose each name in alphabetical order, and the members shall cast their votes.

- (b) If only one appointee is to be selected, the voting shall continue until one nominee receives a majority of the votes cast, whereupon he shall be appointed.
- (c) If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled. A member must cast all of his votes, and cast them for different nominees. The nominees receiving the highest number of votes shall be appointed.