

Rules of Procedures

I. Applicability

Rule 1. Applicability of Rules

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

II. Open Meetings

Rule 2. Meetings to Be Open

(a) It is the public policy of North Carolina and of Alleghany County 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 Alleghany County Board of Commissioners shall be open to the public and any person is entitled to attend such a meeting.

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

Rule 3. Closed Sessions

(a) Notwithstanding the provisions of Rule 2, the Board may hold a closed session and exclude the public under the following circumstances and no others:

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 is not considered a public record within the meaning of Chapter 132 of the General Statutes.
2. To consult with the County Attorney or another attorney employed or retained by the county in order to preserve the attorney-client privilege.
3. To discuss matters relating to the location or expansion of industries or other businesses in the county.
4. To consider and take action with respect to the position to be taken by the county in negotiating the price or other material terms of an agreement for the acquisition or lease of real property.

5. To consider and take action with respect to the position to be taken by the county in negotiating the amount of compensation or other material terms of an employment contract.
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, other than a member of the Board of Commissioners or of some other public body.
7. To hear or investigate a charge or complaint by or against an individual public officer or employee.
8. To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

(b) The Board may go into closed session only upon motion made and adopted at an open meeting. A motion to go into closed session must cite one or more of the permissible purposes listed in NCGS 143-318.11

(c) Unless the motion to go into closed session provides otherwise, the County Manager, County Attorney, and Clerk to the Board may attend the closed session. No other person may attend the closed session unless specifically invited by the majority of the Board.

III. Organization of the Board

Rule 4. Organizational Meeting

(a) **Even-numbered Years.** The Board shall hold an organizational meeting at its regular meeting place at 6:00pm on the first Monday in December of each even-numbered year. The County Manager shall call the meeting to order and shall preside until a Chair is elected. If they have not already been sworn and inducted into office, the newly elected members of the Board shall take and subscribe the oath of office as the first order of business. As the second order, the Board shall elect a Chair and Vice-Chair from among its members. As the third order, the Board shall approve the bonds of the sheriff and the register of deeds and induct them and any other newly elected county officials into office. As the fourth and fifth orders of business, the Board shall appoint a clerk and an attorney. As the sixth order of business, the Board shall review the list of Board appointments and make any necessary changes.

(b) **Odd-numbered Years.** At the first regular meeting in December of each odd-numbered year, the first order of business shall be approval of the minutes of the previous meeting. The second order of business shall be election of the Chair and Vice-Chair for the ensuing year. The third and fourth orders of business shall be to appointment of the clerk and an attorney. As the fifth order of business, the Board shall review the list of Board appointments and make any necessary changes

Rule 5. Election of the Chair

The Chair of the Board shall be elected annually for a term of one year and shall not be removed from the office of Chair unless he or she becomes disqualified to serve as a member of the Board.

IV. Regular and Special Meetings

Rule 6. Regular and Special Meetings

(a) Regular Meetings. The Board shall hold a regular meeting on the first Monday at 6:00 pm and third Monday at 10:00 am of each month. Regular meetings shall be held at the County Administration Building, Board Meeting Room, 348 South Main Street in Sparta. The Board may change the place and time of a particular regular meeting with 48 hours' notice posted at or near the regular meeting place, and notice shall be sent to all persons who have requested notice of special meetings of the Board. If a regular meeting day falls on a County holiday, the meeting will occur the next working day at the same time.

(b) Special Meetings. The Chair or a majority of the members of the Board or the County Manager may at any time call a special meeting of the Board by signing a notice stating the time and place of the meeting and the subjects to be considered. The Clerk to the Board/Deputy Clerk shall cause the notice to be posted on the bulletin board of the County Administration Building and delivered to the Chair and all other Board members or left at the usual dwelling place of each member at least 48 hours before the meeting. In addition, the notice shall be mailed or delivered to individual persons and news media organizations that have requested such notice as provided in subsection (d), below. Only those items of business specified in the notice may be transacted at a special meeting.

(c) Emergency Meetings. If a special meeting is called to deal with an unexpected circumstance that requires immediate consideration by the Board, the notice requirements of this rule do not apply. However, the person or persons who call an emergency meeting shall take reasonable action to inform the other members and the public of the meeting. Local news organizations that have requested notice of special meetings as provided in subsection (d), 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) Sunshine List. Any individual person and any newspaper, wire service, radio station, and television station may file with the Clerk to the Board of Commissioners a written request for notice of all special meetings of the Board. Requests by individuals must be renewed on or before the last day of each calendar year. Requests made by news media organizations must be renewed annually on or before December 31 and are not subject to any fee.

(e) Work Sessions and Committee Meetings. The Board may schedule work sessions, committee meetings, or other informal meetings of the Board or a majority of the members of the Board at such times and with respect to such subject matter as may be established by resolution or order of the Board. A schedule of any such meetings that are held on a regular basis shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held on a regular schedule are subject to the same notice requirements as special Board meetings.

Rule 7. All Meetings within the County

All meetings shall be held within the boundaries of Alleghany County except as otherwise provided herein.

1. A joint meeting with the governing board of any other political subdivision of this state or any other state may be held within the boundaries of either subdivision as may be stated 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.
2. A special meeting called for the purpose of considering and acting upon any order or resolution requesting members of the General Assembly representing all or any portion of this county to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in Raleigh or such other place as may be stated in the call of the meeting.

Rule 8. Broadcasting and Recording Meetings

(a) Except as provided in this rule, any radio or television station is entitled to broadcast all or any part of an official meeting of the Board that is 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 media outlet wishing to broadcast (including livestreaming) any portion of an official meeting of the Board shall so notify the County Manager no later than twenty- four 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, the County Manager may require the news media either to pool equipment and personnel or to secure and pay the costs of an alternative meeting site that is mutually agreeable to the Board and the media representatives.

V. Agenda

Rule 9. Agenda

(a) The Clerk to the Board/Deputy Clerk shall prepare the agenda for each work session, regular, special, and emergency meeting. The County Manager shall approve the agenda for each work session, regular, special, and emergency meeting for distribution. A request to have an item of business placed on the agenda for a work session or regular meeting must be received at least three working days before the meeting date. Any Board member may, by a timely request, have an item placed on the agenda.

(b) The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. A copy of the agenda packet shall be made available to each member of the Board by the close of business the Wednesday before regular meetings or at least forty-eight hours before special meetings by any method chosen by each Commissioner. Documents in the agenda packet, if not previously available for public inspection, shall become so when packets have been delivered to each Board member or left at his or her usual dwelling.

(c) The Board may, by majority vote, invite an individual or agency to come before the board on any matter.

(d) The Board may, by unanimous vote, add an item that is not on the agenda.

Rule 10. Public Comments

The Clerk to the Board/Deputy Clerk shall include on the agenda of each regular meeting a period for comments or questions from members of the public in attendance. The Chair may specify the time allotted to each speaker. After the time set aside for public comments has expired, the Chair will recognize further speakers only upon motion duly made and adopted.

(a) Public Comments

- 15 minutes allotted in total unless Rules of Procedure are waived by a majority vote of the Board
- Board action required to extend allotted time

Speaker guidelines

- Guideline #1 – Anyone who wishes to speak will have the opportunity to do so
- Each individual speaker limited to 3 minutes
- Anyone speaking on behalf of 3 or more people limited to 5 minutes (Must have note, text or email from the other 2 parties)
- Please state your name for the record
- Please direct all comments to the Board of Commissioners
- Please be civil with all comments
- Please remain quiet in the audience

Rule 11. Order of Business

The County Manager has the discretion to add day to day County business items to the agenda before each meeting.

Without objection from the Commissioners, 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 meetings of the Board. A member must be recognized by the Chair in order to address the Board. 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 patently offered for 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 recess at any time;
4. To adjourn in an emergency.

Rule 13. Action by the Board

The Board shall proceed by motion. Any member, including the Chair, may make a motion.

Rule 14. Second Required

A motion shall require a second

Rule 15. One Motion at a Time

A member may make only one motion at a time

Rule 16. Substantive Motion

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

Rule 17. Adoption by Majority Vote

A motion shall be adopted if approved by a majority of the votes cast, a quorum being present, unless these rules or the laws of North Carolina require an extraordinary majority.

Rule 18. Debate

The Chair shall state the motion and then open the floor for debate.

Rule 19. Renewal of Motion

A defeated motion may not be renewed at the same meeting.

Rule 20. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before the Chair puts the motion to a vote.

Rule 21. Duty to Vote

It is the duty of each member to vote unless excused by a majority vote according to law. The Board may excuse members from voting on matters involving their own financial interest or official conduct. A member who wishes 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. An absence shall not be counted in the vote.

Rule 22. 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, at which time they may be destroyed.

Rule 23. Action by Reference

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

Rule 24. Introduction of Ordinances, Resolutions, and Orders

A proposed ordinance shall be deemed introduced at the first meeting at which 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 25. Adoption, Amendment, or Repeal of Ordinances

To be adopted at the meeting where first introduced, an ordinance or any 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 a majority vote of the Board of Commissioners.

Rule 26. 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 present, he or she shall be counted as present for the purposes of determining whether a quorum is present.

Rule 27. Public Hearings

The Chair/County Manager has the authority to call public hearings. Public hearings required by law or deemed advisable by the Board shall be discussed setting forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted to each speaker and designating representatives to speak for large groups. The Clerk to the Board/Deputy Clerk shall advertise for the public hearings with proper legal notice. At the appointed time, the Chair shall call the hearing to order and preside over it. When the allotted time expires, the Chair shall declare the hearing ended and the Board shall resume the regular order of business.

Rule 28. Quorum at Public Hearings

A quorum of the Board shall be required at all public hearings required by law.

Rule 29. Minutes

Minutes shall be kept of all Board meetings. Minutes of the previous meeting should be available at each regular meeting not to exceed 30 days after a meeting.

Rule 30. Appointments

The Board shall use the following procedure to make appointments to fill vacancies in the Board itself or in other boards and public offices over which the Board has power of appointment.

The Chair shall open the floor to nominations, whereupon the members shall put forward and debate names of possible appointees. Appointments shall be made by majority vote.

Rule 31. Reference to *Robert's Rules of Order*

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

Rule 32. Reference to *Suggested Rules of Procedures for the Board of County Commissioners*

Based on material in *Suggested Rules of Procedures for the Board of County Commissioners*, 3d ed., by Joseph S. Ferrell (Chapel Hill, NC: The Institute of Government, The University of North Carolina, 2002).