Swain County Board of Commissioners
Rules and Procedures Policy

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I. Regular Meetings/Work Sessions

A. The Board shall hold one regular meeting on the second Monday of each month at 7:00pm and one work session on the fourth Monday of each month at 1:00pm (except that if a regular meeting or work session day is a legal holiday, the meeting shall be held on the following Monday) at the Swain County Administration Building at the times metioned above. A copy shall be available to the public by contacting the Clerk to the Board.

II. Special Meetings

A. The Chairman 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 in compliance with N.C.G.S. 143-318-12 (b) (2) .

B. If a special meeting is called to deal with an emergency, the notice requirements will be in compliance with N.C.G.S 143-318-12 (b) (3)

III. Organizational Meeting

A. On the first Monday in December following a general election in which County

officers are elected, the Board shall meet for the newly elected members to subscribe to the oath of office as the first order of business. As the second order of business, the Board shall elect a Vice Chairman from among its members. As the third order of business, the County Manager, County Finance Officer, County Attorney and the Clerk to the Board of Commissioners shall be appointed.

IV. Agenda

A. The County Manager, as Chief Administrative Officer, shall have administrative oversight in preparing the agenda for the regular or worksession meetings. A request to have an item of business placed on the agenda for the regular or worksession agenda must be received in writing by the County Manager no later than Wednesday at 12 noon one week prior to the meeting date.

B. Agenda packets, prepared by the Clerk to the Board, 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 shall be attached to the agenda. A copy of the agenda shall be available for public inspection as soon as it is completed. Each Board member shall receive a copy of the agenda packet by noon on the Friday preceding the meeting date.

C. The Board may add an item to the agenda by majority vote.

D. Members of the public or media that want a copy of an agenda can obtain a copy by downloading it off the Swain County website at http://www.swaincountync.gov . Agendas will be posted to the website 48hrs before the start of the scheduled meeting.

E. Any individual or group who wishes to have an item of discussion or business placed before the board of commissioners shall make a request to the County Manager. The request must be in writing and must state the nature of the matter so that the County Manager and/or appropriate staff will have an opportunity to respond to the area of concern. If appropriate, the County Manager will resolve the request and, if not, the County Manager will determine when the individual or group should be placed either on the regular session agenda or the work session agenda, depending on the nature of the request.

V. Order of Business

A. Items shall be placed on the agenda according to the "Order of Business." The Order of Business for each regular meeting shall be as follows:

1. Call to Order
2. Prayer/Pledge
3. Discussion/adjustment/approval to follow agenda
4. Public Comment Period

5. Tax Office Report
6. Finance Officer Report
7. Budget Amendments
8. Closed session Items as required by law
9. Return to open session
10. Action Items
11. Old Business
12. New Business
13. Informal discussion

However, by general consent of the Board, items may be considered out of this order.

VI. Powers of the Presiding Officer

VI. The Chairman shall preside at the meetings of the Board. A member must be recognized by the Chairman in order to address the Board. The Chairman shall have the following 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 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.

B. The County Attorney or his or her designee shall act as parliamentarian.

VII. Action by the Board

1. The Board shall proceed by motion. Any member, including the Chairman, may make a motion.
2. All motions require a second before the motion can be discussed.
3. A member may make only one motion at a time.
4. A substantive motion is out of order while another substantive motion is pending.
5. A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.

2. The Chairman shall state the motion and then open the floor to debate on it. The Chairman shall preside over the debate according to these general principles:

1. The introducer (the member who makes 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 opponents and proponents of the measure.

VIII. Procedural Motions

In addition to substantive proposals, the following procedural motions, and no others, shall be in order. All motions require a second before the motion can be discussed. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

In order of priority (in applicable), the procedural motions are:

1. To Adjourn. The motion may be made at any time by a member of the Board and would require majority vote.

2. To Take a Recess.

3. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.

4. To Suspend the Rules. The motion requires a vote equal to a quorum.

5. To Divide a Complex Motion and Consider It by Paragraph.

6. To Postpone to a Certain Time or Day.

7. To Amend. 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. Any amendment to a proposed ordinance shall be reduced to writing on the call of any member, including the Chairman.

8. To Reconsider. The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was taken. The motion cannot interrupt deliberation or a pending matter but is in order at any time before adjournment.

9. To Rescind or Repeal.

10. To Ratify.

11. To Renew a Motion. A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.

12. Withdrawal of a Motion. A motion may be withdrawn by the introducer at any time before a vote.

13. 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, but only upon questions involving his own financial interest or his official conduct. Refusal to vote (without just cause) shall be recorded as an affirmative vote.

IX. 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.

X. 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, any bond order, or any other ordinance on which a public hearing must be held before the ordinance may be adopted) must receive the approval of majority of the Board.

XI. Adoption of Budget Ordinance

Notwithstanding the provisions of any general law or local act:

1. Any action with respect to the adoption of the budget ordinance may be taken at any regular, recessed, or special meeting of the Board by a simple majority of those present and voting, a quorum being present.

    a. After a budget ordinance has been adopted, all requests for new or additional funding or amendments of previous budget ordinances shall be reviewed monthly, and any request for funds not appropriated upon budget adoption will be considered by the Board only at its regular monthly meeting.
    b. Each January the Board will hold a Budget retreat to formulate the

needs that will be addressed in the budget preparation.

2. No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Board (other than those required by statutes).

3. The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any local act concerning initiative or referendum.

4. 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 (1) 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 or closed sessions by the Board otherwise prohibited by law and may not be construed to do so.

XII. Public Comment

Public Comment will be received during each regular meeting. (not work sessions)

Public comment is a period of time when individuals may speak to the Board of Commissioners about any matter.

The Clerk will provide a sign in sheet for those individuals who desire to speak during the regular session public comment period. All speakers must be signed up no later than 5 minutes before the designated meeting time and must list their name, address, the organization they represent (if any) and the subject matter they wish to address. The time limit for any individual or representative addressing the Board shall be three minutes, unless a majority of the Board agrees to additional time. However, the amount of time allotted to each person desiring to make comments may be reduced if the Board of Commissioners determines that the number of persons desiring to speak is excessive and in no event shall the time limit for any individual or representative addressing the Board exceed three minutes unless a majority of the Board agrees to additional time. Each speaker during the public comment period shall be limited to one opportunity to speak at each regular meeting of the Board.

If an individual's allotted time expires prior to that individual asking all his or her questions, that person may leave those questions along with his/her name, address and phone number with the County Manager who will determine who needs to respond to

the question(s) and call or write that person prior to the next Board meeting.

A. Commissioners are not expected to comment on matters brought to the Board during this time, but to delay action or comment until staff have had an opportunity to research the subject matter and to report necessary and relevant information to all Board members
B. Any individual speaking during public comment shall address the entire Board and any polling of Commissioners is inappropriate for public comment.
C. If an individual has documentation relevant to their public comment item that he or she will be distributing to the commissioners then he or she will need to present that documentation to the Clerk to the Board no later that 10:00am on the Friday before the regular meeting date.
D. The Board will reserve 30 minutes during the regular session for comment on agenda items and general public comment. Additional time may be given with majority vote of the Board.

XIII. Closed Sessions

a. The Board may hold closed sessions as provided by law pursuant to N.C.G.S 143-318-11. It shall commence a closed session by a majority vote to do so and terminate a closed session in the same manner.

XIV. Quorum

b. A majority of the membership of the Board of Commissioners shall constitute a quorum. The number required for a quorum shall not be affected by vacancies. No vote may be taken without three members present.

XV. Public Hearings

Public hearings required by law, or deemed advisable by the Board, shall be organized by a special order and 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 each speaker, etc. At the appointed time, the Chairman or his designee shall call the hearing to order and then preside over it. When the allotted time expires or no one who has not yet spoken wishes to do so the Chairman or his designee shall declare the hearing closed.

XVI. Quorum at Public Hearing

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

XVII. Minutes

Minutes shall be kept of all meetings of the Board.

A. Closed session minutes will be kept as required by law.

XVIII. Reference to Robert's Rules of Order

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the Board shall refer to Robert's Rules of Order for unresolved procedural questions