

Town Code for Blowing Rock, North Carolina

CHAPTER 2 - PROCEDURES OF GOVERNING BODY

Article I - Meetings

Section 2-1 Regular Meetings.

The Board shall hold a regular meeting on the second Tuesday of each month unless that day is a legal holiday, in which case the meeting shall be held at the call of the Board. The regular meeting shall be held at the town hall and shall begin at such times as the Board shall establish and publish in conformity with the Open Meetings Law. *[Amended September 24, 1990]*

Section 2-2 Special Meetings.

(A) A special meeting is any non-emergency meeting of the Board held at any time other than that specified in Section 2-1.

(B) The mayor, the mayor pro tempore, or any two members of the Board 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 Board members as provided in this subsection. Preferably forty-eight hours, but not less than six hours before the meeting:

(1) Written notice shall be delivered personally to each Board member; or

(2) If notice cannot be personally delivered, notice may be left at the Board member's usual place of dwelling. In this event, the town clerk shall make every reasonable effort to contact the Board member by telephone.

(D) Special meetings may also be held when all Board 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 town clerk shall give notice of a special meeting to the public and the media, at least forty-eight hours before the meeting by:

(1) Posting a notice of the time and place of the meeting on the town'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 the 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 the 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.

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Section 2-3 Emergency Meetings.

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

(B) The mayor, the mayor pro tempore, or any two members of the Board 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 Board members in the same manner as notice of special meetings.

(D) Emergency meetings may also be held when all Board members are present and consent thereto and 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 town 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 given either by telephone or by the same method used to notify Board 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.

Section 2-4 Continued or Recessed Meetings.

(A) By majority vote the Board 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 or recessed session of a meeting set in accordance with subsection (A).

Section 2-5 Reserved.

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Article II - General Meeting Procedures

Section 2-6 Agenda.

- (A) ***Preparation.*** The clerk shall prepare 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 clerk in sufficient time so that the agenda may be printed and distributed in accordance with subsection (E) of this section, and to this end the clerk may establish an appropriate deadline to receive such requests.
- (C) ***Requests to Address Board.*** Any individual or group that wishes to address the Board shall make a request to be on the agenda to the clerk. However, the Board shall determine at the meeting whether the individual or group will be heard by the Board.
- (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. To the extent feasible, the clerk shall mail or deliver copies of the agenda and attachments to the Board members in sufficient time to ensure that they are received prior to the meeting. Additional copies of the agenda may be available for the press and interested members of the public.
- (F) ***Additions.*** The Board may, by consensus or majority vote of the Board membership, add an item of business that is not on the agenda. Unless otherwise specified by the Board, additions to the agenda shall be taken up at the conclusion of all other regular business.

Section 2-7 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 Board upon recommendation of the manager.
- (C) In establishing the "Order of Business", the Board 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.

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Section 2-8 Presiding Officer.

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

(B) As presiding officer, the mayor shall have the following powers, in addition to those conferred elsewhere in this chapter:

- (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 upon objections from other members on this ground;
- (3) To entertain and answer questions of parliamentary law or procedure, subject to being overruled by a two-thirds vote of the membership of the Board;
- (4) To call a brief recess at any time;
- (5) To adjourn in the event of an emergency.

(C) 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 Board 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 chairman shall resume the duty to preside as soon as action upon the matter is concluded.

Section 2-9 Quorum.

A majority of the actual membership of the Board plus the mayor, excluding vacant seats, shall constitute a quorum. A quorum is necessary for the Board 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.

Section 2-10 Taking Official Action.

(A) The Board shall proceed by motion. A motion, when duly seconded, brings the matter before the Board 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 Section 2-13 and other provisions of law, official action of the Board shall be by majority vote.

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Section 2-11 Debate.

(A) 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:

- (1) 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 proponents and opponents of the measure.

Section 2-12 Voting.

(A) Once a member is physically present at a Board 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 (B) or has been allowed to withdraw from the meeting in accordance with subsection (C).

(B) 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.

(C) 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.

(D) 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.

(E) A roll call vote shall be taken upon the request of any member.

(F) 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 Board membership is required, that shall be interpreted to mean the specified percentage of all seats on the Board, excluding vacant seats.

Section 2-13 Adoption of Ordinances.

(A) An affirmative vote equal to a majority of all the members of the Board 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 Chapter 159 of the General Statutes (Local Government Finance), 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 Board membership. When an ordinance requires a public hearing, the ordinance shall be considered introduced at the meeting when the Board sets a date for the public hearing. If a proposed ordinance or other action having the effect of an ordinance fails to receive the four votes required for passage on

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the date it is introduced, it shall be carried over until the next meeting unless it is rejected by a majority of the Board membership.

(C) Franchise ordinances and amendments shall not be finally adopted until passed at two regular meetings of the Board.

Section 2-14 Executive Sessions.

The Board may hold executive sessions in accordance with the Open Meetings Law (Article 33C of Chapter 143) and other provisions of law. The Board shall commence an executive session by a majority vote to do so and shall terminate an executive session in the same manner. Minutes shall be kept of executive sessions but may be withheld from public inspection so long as public inspection would frustrate the purpose of the executive session.

Section 2-15 Public Hearings.

(A) Except as otherwise provided in this code, public hearings required by law or deemed advisable by the Board 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 Board shall be required at all public hearings required by state law.

Section 2-16 Minutes.

Minutes shall be kept of all meetings of the Board.

Sections 2-17 through 2-20 Reserved.

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Article III - Motions

Section 2-21 Substantive and Procedural Motions.

(A) A substantive motion is a motion that seeks to have the Board 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 Board conducts its business in general or the manner in which the Board 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.

Section 2-22 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.

(C) Any amendment to a proposed ordinance shall be reduced to writing upon the call of any member.

Section 2-23 Motions to Dispose of Issue Without Deciding Merits.

(A) ***Motion to Defer Consideration Until a Date Certain.*** This motion requires that a date be set when without further action by the Board a matter will again be placed on the agenda.

(B) ***Motion to Defer Consideration Indefinitely.*** Adoption of this motion removes the issue from the Board's consideration until such time as a motion to revive consideration is adopted [see Section 2-24(A)] or a new motion dealing with the same issue is introduced and seconded [see Section 2-25 (A)].

(C) ***Motion to Refer to a Committee.*** Unless this motion includes an instruction to report the matter back by a date certain or unless a motion is adopted under Section 2-24(B), a matter referred to a committee remains there until returned to the Board by the committee.

Section 2-24 Motions to Revive or Reconsider an Issue.

(A) ***Motion to Revive Consideration of an Issue.*** Adoption of this motion brings an issue back before the Board for its consideration, regardless of whether the issue had been deferred indefinitely or to a date certain.

(B) ***Motion to Recall an Issue from Committee.*** Adoption of this motion may bring a matter immediately before the Board, or the motion may direct a committee to report an issue back to the Board by a date certain.

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(C) ***Motion to Reconsider a Vote.*** This motion may be made only at the meeting at which the vote in question was taken and only by a member who voted with the prevailing side. If adopted, the effect is to negate the earlier vote and then bring the matter back before the Board as if the earlier vote had never taken place.

Section 2-25 Reconsideration of Matters Disposed of on the Merits.

(A) ***Renewal of Motions.*** A motion that is defeated may be renewed at any subsequent meeting unless a motion has been adopted in accordance with subsection (B).

(B) ***Motion to Prevent Reconsideration for Six Months.*** This motion is in order immediately following the defeat of a substantive motion and at no other time. It requires a two-thirds vote for adoption. A matter concerning which this motion has been adopted may be brought before the Board prior to the expiration of six months pursuant to a vote to suspend the rules. This motion does not bind a new Board.

Section 2-26 Motion to Terminate Debate.

A motion to call the previous question is a motion to cut off debate on a matter under consideration and put the matter to a vote. This motion shall be in order at any time, but unless each Board member present has had an opportunity to speak at least once on the issue, the motion requires a two-thirds vote for adoption. This motion is not debatable and may not be amended.

Section 2-27 Miscellaneous Motions.

(A) In addition to others authorized by this article, the following motion shall be in order:

- (1) Divide a complex question and consider it by paragraph.
- (2) Suspend the rules. This motion shall require a two-thirds vote for adoption.
- (3) Take a recess.
- (4) Adjourn. This motion may not be amended.

Sections 2-28 through 2-30 Reserved.

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Article IV - Miscellaneous

Section 2-31 Qualifications for Office.

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

Section 2-32 Appointments.

(A) Unless the Board agrees by consensus to follow another procedure, the Board shall use the following procedure to appoint individuals to various subordinate boards and offices:

(1) The mayor shall 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.

(2) 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.

(3) 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.

Section 2-33 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 Board shall be invalidated by a failure to abide by Robert's Rules of Order.