

## **TOWN OF SOUTHERN SHORES RULES OF PROCEDURE FOR TOWN COUNCIL**

As provided under the NC Laws and the Town Charter, the Town of Southern Shores operates under the Council-Manager form of government. This means that the Town Council is responsible for the development and oversight of a general framework under which the Town government can meet the needs of the community. The Town Manager reports to, and receives direction from, the entire Town Council and is responsible for managing all functions of the Town government on a day-to-day basis. A key element for success of a Council-Manager government is acceptance of, and adherence to, the principle that individual council members have no direct management, administrative, or supervisory power over any member of staff...management of staff is solely in the hands of the Town Manager. The following Rules of Procedure govern how the Town Council of Southern Shores conducts the public's business in public session.

### **Section 1. Applicability.**

These Rules of Procedure shall apply to all meetings of the Town Council at which the Council is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

### **Section 2. Open meeting policy.**

- (a) The public policy of the state and of the town is that the hearings, deliberations, and actions of the Council and its committees be conducted openly.
- (b) Except as otherwise provided in this policy and in accordance with applicable state law, each official meeting of the Town Council shall be open to the public, and any person may attend.
- (c) For the purposes of the provisions of this policy concerning open meetings, an official meeting of the Council 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 council 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 Council.

### **Section 3. Location of meetings.**

All meetings shall be held within the boundaries of the Town except as otherwise provided in this section.

- (a) 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, the Council reserves the right to vote separately on all matters coming before the joint meeting.
- (b) A special meeting called for considering and acting on an order or resolution requesting members of the General Assembly representing all or any portion of the Town to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in the City of Raleigh or other such place as stated in the call of the meeting.
- (c) Retreats, work sessions, or other special meetings may be held outside of the Town provided that the meetings are advertised in accordance with North Carolina General Statutes.

### **Section 4. Quorum generally.**

A majority of the Council membership shall constitute a quorum. The number required for a quorum shall not be affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members, he shall be counted as present for the purposes of determining whether a quorum is present.

## **Section 5. Organizational meeting.**

On the date and at the time of the first regular meeting in December following a general election in which Town Council members are elected, the newly elected members of the Council shall take and subscribe the oath of office as the first order of business.

The retiring Mayor will preside until the new Mayor is sworn in. As the second order of business, the Council shall elect a Mayor pro tempore from among its members.

## **Section 6. Meetings.**

- (a) Regular meetings. The Council shall hold a regular meeting on the first Tuesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. In addition to the regular meeting, the Council may hold a work session on the third Tuesday of the month.
- (b) Special meetings. The Mayor, the Mayor pro tempore or any two members of the Council may at any time call a special meeting of the Council by signing a notice stating the time and place of the meeting and the subjects to be considered. At least 48 hours before a special meeting is called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (a) delivered to the Mayor and each Council member or left at the usual dwelling place of each Council member; (b) posted on the Council's principal bulletin board, or if none, at the door of the Council's usual meeting room; and (c) mailed, emailed, or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Only those items of business specified in the notice may be transacted at a special meeting.
- (c) Emergency meetings. The Mayor, the Mayor pro tempore or any two members of the Council may at any time call an emergency meeting of the Council due to generally unexpected circumstances that require immediate consideration by the Council. An emergency meeting may be initiated by the signing of a notice stating the time and place of the meeting, a general description of the circumstances giving rise to the emergency and the subjects to be considered at the emergency meeting. The person or persons calling an emergency meeting, or their designees shall take reasonable steps to notify the remaining members of the Council of the emergency meeting using any appropriate method including, but not limited to, e-mail, telephone or instant messaging. In accordance with NCGS §143-318.12(b)(3), the Town shall cause public notice of an emergency meeting to be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request, which includes the newspaper's, wire services, or station's telephone number, for emergency notice with the Town Clerk. This public notice shall be given either by e-mail, by telephone, or by the same method used to notify the members of the Council and shall be given immediately after notice has been given to those members. This public notice shall be given at the expense of the party notified. Town Staff and/or the person or persons calling the emergency meeting may provide additional public notice. Only business connected with the emergency may be considered at an emergency meeting.
- (d) Work sessions and informal meetings. The Council may schedule work sessions, committee meetings, or other informal meetings of the Council or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the Council. A schedule of any such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special Council meetings.
- (e) Sunshine list. Any individual and any newspaper, wire service, radio station, and television station may file a written request with the Town Clerk for notice of all regular and special meetings of the Council. Requests by individuals and news organizations must be renewed annually by December 31.

## **Section 7. Recessed & Cancelled Meetings**

(a) Calling Recessed Meetings. When conducting a properly called regular, special, or emergency meeting, the Council may recess the meeting to another date, time, or place by a procedural motion made and adopted, in open session. The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene.

(b) Notice of Recessed Meetings. If the Council has a website maintained by one or more city employees, notice of the recessed meeting's date, time, and place must appear on the website prior to the meeting. No further notice of a properly called recessed meeting is required.

(c) Cancelling Meetings due to Declared Emergencies. The Mayor, the Mayor pro tempore or any two members of the Council may cancel or reschedule any regular, special, or emergency meeting during declared emergencies. Notice is to be provided (a) to the Mayor and each Council member; (b) posted on the Council's principal bulletin board, or if none, at the door of the Council's usual meeting room; (c) posted on the Town website; and (d) emailed to each newspaper, radio station, television station, and person who has filed a written request for notice with the Town Clerk.

(d) Cancellation of Meetings. The Mayor, the Mayor pro tem or any two Council Members may cancel a regular, special, or emergency meeting due to unforeseen emergencies. Whenever there is no pending business before the Council, or whenever the Mayor is notified by the clerk that a quorum will not be present, the Mayor or Mayor pro tem may dispense with a regular or special meeting by instructing the clerk to give written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meeting and having a notice of cancellation posted at the meeting place declaring such.

## **Section 8. Electronic Participation in Town Council Meetings & Electronic Meetings of Town Council**

The Town of Southern Shores Town Council (the "Council") is committed to conducting its meetings in compliance with Article 33C of Chapter 143 of the North Carolina General Statutes ("the North Carolina Open Meetings Law"). To enable all Council members to participate fully in Council meetings, the following requirements shall apply whenever Council member(s) are unable to be physically present and are only able to participate in a Council meeting through electronic means:

1. Where a quorum of the Council members are physically present in the Council chambers for the meeting:
  - A. A remote Council member must be able to hear the Council's discussion and any presentations made to the Council during the meeting.
  - B. Technical arrangements must be made so that a remote Council member's comments can be heard by all present for the meeting, including the public.
  - C. A remote Council member must notify the Town Clerk sufficiently in advance of the meeting to ensure that all requirements for remote participation, including technical and equipment needs can be addressed in advance of the meeting.
  - D. A remote Council member may not vote on any matter.
  - E. A remote Council member will not be included in determining whether a quorum is present for the meeting.
  - F. A remote Council member may not participate in a closed session.

- G. A remote Council member may not participate in any quasi-judicial proceeding.
  - H. The Council minutes must reflect that a remote Council member was not physically present.
  - I. A Council member is discouraged from participating remotely in more than 3 regular Town Council meetings in a 12-month period.
2. In the event of a declared State of Emergency and/or when health or safety of the public, the Town Council members and Town staff may be adversely affected by the presence of Town Council members in the Council chamber or same meeting room the following rules apply:
- A. The Council may meet electronically pursuant to these requirements without a quorum physically present in the Council chambers so long as a quorum of the Council is participating whether the Council members are acting remotely or present in the Council chambers. A remote Council member must be able to hear the Council's discussion and any presentations made to the Council during the meeting.
  - B. A remote Council member must notify the Town Clerk sufficiently in advance of the meeting to ensure that all requirements for remote participation, including technical and equipment needs can be addressed in advance of the meeting. Technical arrangements must be made so that a remote Council member's comments can be heard by all present for the meeting, including the public.
  - C. Remote Council members may vote on matters before the Council as if they are present in the Council chambers.
  - D. The Council may hold a closed session if otherwise allowed by law when it would be unreasonable to wait until a future in-person meeting to hold the closed session, and when the Council can confirm that the technology being used does not allow anyone who would not be allowed to participate in the closed session to intercept or participate in the closed session.
  - E. The Council should take reasonable precautions to limit voting actions to those items which must be voted on at that time or within the time that an in-person meeting could safely and conscientiously occur. Except for exigent circumstances and then only with the applicant's consent, quasi-judicial proceedings should be rescheduled, postponed or continued to the time when an in-person meeting can safely and conscientiously occur.
  - F. The Council shall comply with N.C. Gen. Stat. Sec. 143-318.13 as same may be amended from time to time, including providing a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by law shall specify that location. A fee of up to twenty-five dollars (\$25.00) may be charged to each listening member of the public to defray in part the cost of providing the necessary location and equipment. In addition, Council shall make a reasonable attempt to allow for:
    - i. Real time transmission of audio of the meeting to the public, and if such transmission is not possible, then a reasonable attempt to publish the audio and video, if any, on the Town's website as soon as reasonably possible;
    - ii. Public participation during a public comment period if the meeting is a regular meeting and the only regular meeting of the Council that month; and
    - iii. Public participation for any public hearings required by law for the decisions being made during the meeting.
  - G. The Council should also consider taking action at the next meeting having an in-person quorum to ratify any actions taken electronically under this provision which occurred without a physically present quorum and without all the necessary votes for the action physically present in the Council chambers.

### **Section 9. Closed sessions.**

The Council may hold closed sessions as provided by law. The Council shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G. S. §143-318.11(a) (1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential.

If the motion is based on G. S. §143-318.11(a) (3) (consultation with an attorney; handling or settlement of claims, judicial actions, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session.

The motion to go into closed session must be approved by the vote of a majority of those present and voting. The Council shall terminate the closed session by a majority vote. Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

### **Section 10. Public hearings – Generally.**

Public hearings required by law shall be scheduled on a meeting agenda as directed by the Mayor in accordance with Section 13, or may otherwise be scheduled by the Clerk pursuant to action by the Council. In giving notice, of such a public hearing, the Town Clerk shall set forth the subject, date, place and time of the hearing as well as any rules regarding the length of time of each speaker as may be set by the Mayor or Council. At the appointed time, the Mayor or Mayor's designee shall call the hearing to order and preside over it. When the allotted time expires or no one who has not yet spoken wishes to do so, the presiding officer shall declare the hearing ended.

### **Section 11. Quorum at public hearings.**

A quorum of the Council shall be required at all public hearings required by law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular Council meeting without further advertising.

### **Section 12. Minutes.**

Full and accurate minutes of the Council, including closed sessions, shall be kept. The minutes shall be open to public inspection, except as otherwise provided in this rule. 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 council, the "ayes" and "no's" upon any question shall be taken.

Minutes of closed sessions may be sealed by action of the council. Sealed minutes may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

### **Section 13. Office of Mayor.**

The Mayor shall preside at all meetings of the Council and may vote in all cases and make motions. A member must be recognized by the Mayor in order to address the Council. The Mayor shall have the power to:

- (a) Rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purpose;

- (b) Determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and entertain and rule on objections from other members on this ground;
- (c) Entertain and answer questions of parliamentary law or procedure;
- (d) Call a brief recess at any time;
- (e) Adjourn in an emergency.

A decision by the presiding officer under (a), (b), or (c) may be appealed to the Council upon motion by any member. Such a motion is in order immediately after a decision under (a), (b), or (c) 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.

#### **Section 14. Office of Mayor Pro Tempore.**

At the organizational meeting, the Council shall elect from among its members a Mayor pro tempore to serve at the Council's pleasure for a term of two years. A Council member who serves as Mayor pro tempore shall be entitled to vote on all matters and shall be considered a Council member for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the Council may confer on the Mayor pro tempore any of the Mayor's powers and duties. If the Mayor should become physically or mentally unable to perform the duties of his or her office, the Council may by unanimous vote declare that he or she is incapacitated and confer any of his or her duties on the Mayor pro tempore. When a Mayor declares that he or she is no longer incapacitated and a majority of the Council concurs, the Mayor shall resume the exercise of his or her powers and duties. If both the Mayor and Mayor pro tempore are absent from a meeting, the Council shall elect from among its members a temporary chair to preside at the meeting.

#### **Section 15. Agenda generally.**

- (a) The Town Clerk shall prepare a proposed agenda for each meeting. The Mayor shall approve the proposed agenda before it is made available to Council members and the public. The Town Clerk shall make a diligent effort to make the proposed agenda available to Council members and the public, including electronically to the extent possible, at least five (5) business days before the meeting to which the proposed agenda applies. A request to have an item of business placed on the proposed agenda must be received at least ten (10) business days before the meeting. Any Council member, the Town Manager and the Town Attorney may, by a timely request, have an item placed on the proposed agenda.
- (b) The Town Clerk shall make a diligent effort to make the agenda package available to each Council member and to the public, including electronically to the extent possible, no more than two (2) business days following date of proposed agenda release. The agenda package shall include, for each item of business placed on it, as much background information on the subject as is available and feasible to reproduce at the time of the release of the agenda package. A copy of all proposed ordinances shall be included within the agenda package.
- (c) The Council may, by majority vote, add items to or subtract items from the proposed agenda.

#### **Section 16. Appointments.**

When advised of potential vacancies on boards and committees, the Council will direct the Town Manager to seek applications from interested residents of the Town. The list of applicants will be presented to the Council for discussion, nomination and a vote.

The Town Council may establish and appoint members for such temporary town committees as are needed to help carry on the work of the town government.

#### **Section 17. Public address to the Council.**

The council shall provide at least one period for public comment per month at a regular meeting of the council. ~~The Council shall provide two periods for public comment at regular meetings,~~ consistent with North Carolina General Statute §160A-81.1, for anyone to address the Council on any matter not on the agenda for public hearing. The Mayor may set and enforce appropriate time limits for such comments.

The Council will take under advisement the comments made by a member of the public, but will not respond during this period.

#### **Section 18. Action by the Council.**

The Council shall proceed primarily by motion. Any member may make a motion. Each motion shall have a second. The Council may proceed by consensus for matters including: direction to staff, information received with no action taken, ratify action already taken. The Mayor shall state the consensus reached and the minutes shall reflect the consensus.

#### **Section 19. Motions generally.**

- (a) One motion at a time. A member may make only one motion at a time.
- (b) Adoption by majority vote. A motion shall be adopted by a majority of the votes cast, unless otherwise required by this division or state law.
- (c) Renewal. A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.
- (d) Withdrawal. A motion may be withdrawn by the introducer at any time before the vote.

#### **Section 20. Substantive motion.**

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

#### **Section 21. Procedural motions.**

In addition to substantive motions, 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. In order of priority, if applicable, the procedural motions are:

- (1) To appeal a procedural ruling of the presiding officer. The decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council, as specified in Section 11. This appeal is in order immediately after such a decision 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.
- (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 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 quorum.
- (6) To go into closed session.
- (7) To leave closed session.
- (8) To divide a complex motion and consider it by paragraph.
- (9) To defer consideration or table. A substantive motion whose consideration has been deferred or tabled expires 100 days thereafter unless a motion to revive consideration is adopted.
- (10) To call the previous question. The motion is not in order until there has been at least 20 minutes of debate and every member has had one opportunity to speak.
- (11) To postpone to a certain time or day.
- (12) To refer to committee. Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Council, regardless of whether the committee has reported the matter back to the Council.
- (13) 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 before the vote on the amendment.
- (14) To revive consideration. The motion is in order at any time 100 days after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires 100 days after the deferral, unless a motion to revive consideration is adopted.
- (15) 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 on a pending matter, but is in order at any time before adjournment.
- (16) To prevent reconsideration for six months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months or until the next regular election of Council members, whichever occurs first.

## **Section 22. Debate.**

The Mayor shall state the motion and then open the floor to debate according to the following general principles:

- (a) The introducer, i.e., the member who made the motion, is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has spoken;

- (c) To the extent possible, the debate shall alternate between opponents and proponents of the measure.

**Section 23. Duty to vote.**

It is the duty of each member to vote unless excused by a majority vote according to law. The Council may excuse members from voting on matters involving their own financial interest or personal conduct. A member who wishes to be excused from voting shall so inform the Mayor, 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.

**Section 24. Secret voting prohibited.**

No vote may be taken by secret ballot. If the Council 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, when they may be destroyed.

**Section 25. Action by reference.**

The Council 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.

**Section 26. Introduction of ordinances, resolutions, orders.**

A proposed ordinance shall be deemed introduced on the date the subject matter is first voted on by the Council.

**Section 27. Adoption of ordinances generally.**

To be adopted at the meeting at which it is first introduced, an ordinance or any action with the effect of an ordinance must receive an affirmative vote equal to or greater than two thirds of the membership of the Council, including the Mayor, excluding vacant seats.

**Section 28. Adoption of budget ordinance.**

- (a) Notwithstanding the provision of any general law or local act:
- (1) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the Council by a simple majority of those present and voting, a quorum being present;
  - (2) No action taken with respect to the adoption or amendment of the budget ordinance may be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Council;
  - (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.
- (b) During the period beginning with the submission of the budget to the Council and ending with the adoption of the budget ordinance, the Council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of G.S. 143-318.12, which continue to apply, provisions of law concerning the call of a special

meeting do not apply during the period so long as (1) each member of the Council has actual notice of each special meeting called for the purpose of considering the budget; and (2) 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 Council otherwise prohibited by law from holding such a meeting or session, and may not be construed to do so.

Approved the 8<sup>th</sup> day of November 2006.

\* Amended May 1, 2007 Section 13. Order of Business to allow Council members to follow Mayor and Town Manager.

\*Amended January 5, 2010 Section 6. Meetings (a) Regular Meetings changing the work session from the 4th Tuesday to the 3rd Tuesday of the month.

\*Amended September 7, 2010 Section 13. Order of Business deleted in its entirety. Remaining Sections re-numbered

\*Amended March 6, 2012 Sections: 6. (a) & (b) Meetings, 8. Public hearings – Generally and 15. Public address to the Council.

\*Amended September 3, 2013 Sections: Preamble, Section 14. Appointments, Section 15. Public address to the Council

\* Amended March 3, 2015 Section 14. Appointments

\*Amended June 2, 2015 Section 6. (c) Emergency Meetings

\*Amended April 5, 2016 Section 14. Appointments

\*Amended September 6, 2016 Section 13 Agenda Generally

\*Amended October 4, 2016 Section 15. Public address to the Council.

\*Amended December 6, 2016 Section 14. Appointments.

\*Amended January 3, 2017 Section 6. Meetings.

\*Amended March 20, 2020 Section 7. Recessed & Cancelled Meetings & Section 8. Electronic Participation in Town Council Meetings (addition of new Section 7 & 8, remaining sections re-numbered)

\*Amended April 7, 2020 Section 8. Electronic Participation in Town Council Meetings

\*Amended September 1, 2020 Section 7. Recessed & Cancelled Meetings (addition of subsection (d))