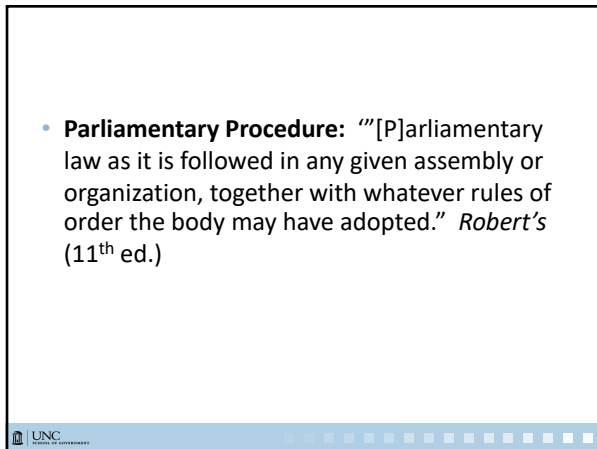




1



2



3

Purposes of Parliamentary Procedure?

- To allow the will of the majority to be determined in an orderly and efficient manner.
- To protect the rights of individual members and minorities, particularly their right to participate in the group's deliberations.
- *Mason's*, § 1.

Statutes

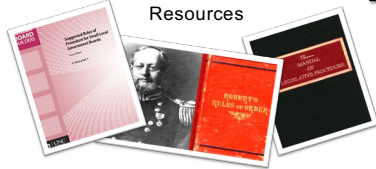
Article 33C
Meetings of Public Bodies.
Legislative, policy-making, quasi-judicial, administrative, judicial, or other business, it is the public policy of North Carolina that

Local Rules



City Charters
Ordinances
Local Acts

"Fall-back" Resources



Local Rules

G.S. 160A-71(e): The council may adopt its own rules of procedure, not inconsistent with the city charter, general law, or generally accepted principles of parliamentary procedure.

G.S. 153A-41: The board of commissioners may adopt its own rules of procedure, in keeping with the size and nature of the board and *in the spirit of* generally accepted principles of parliamentary procedure.

7 Basic Principles

1. The board's authority is **defined** and **limited** by state law.
2. The board must act as a **body**.
3. A **quorum** is necessary for the board to act.
4. The board must act by **majority vote**.
5. Every member has an equal right to **participate**.
6. There must be an opportunity for **debate**.
7. Meetings should be characterized by **fairness** and **good faith**.

7

1. Setting the Agenda
2. Quorum
3. Considering Motions
4. Handling Debate
5. Voting
6. Postponing / Reviving Matters
7. Remote Meetings During State of Emergency
8. Managing Public Input

8

1. Setting the Agenda

- The board is **ultimately responsible** for its own meeting agendas
- Preparing a preliminary agenda may be **delegated**
- A majority of the board can always **amend** the agenda
- Is there a **legal restriction** on the subject-matter of the meeting (regular, special, etc.)?

9

2. Quorum

- Quorum = number of members who must be present for body to conduct business.
- For small bodies, quorum is usually defined as more than half of a body's members.
- What about vacant seats?

10

Determining a Quorum - Cities



11

Determining a Quorum - Counties



12



- What if a member steps out of a meeting?

13

Quorum Math



	Cities	Counties
Vacancies	DO NOT count	DO count
Mayor/Chairman	Counts	Counts
Member steps out unexcused	Still counts	Still counts
Member steps out excused	No longer counts	No longer counts

14

Remote meetings during state of emergency

A member attending by means of simultaneous communication is “present” only during the period while simultaneous communication is maintained

15

3. Considering Motions

- Only one **substantive** (main) motion may be pending
- Multiple **procedural** motions may be pending
- **Motion before discussion**, or vice versa?
- Are **seconds** to motions always needed?
- When is a motion **out of order**?



16

Motion to approve ordinance

1st motion: Substantive (main) motion

Motion to amend ordinance

2nd motion: Procedural to substantive motion

Motion to postpone

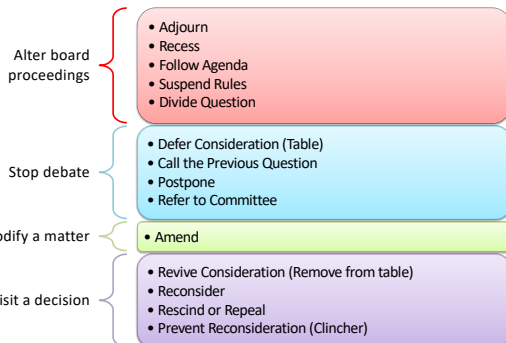
3rd motion: Procedural to 2nd motion

Motion to call the question

4th motion: Procedural to 3rd motion

17

Precedence of Procedural Motions (*Suggested Rules*)



18

4. Handling Debate

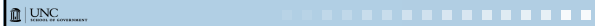
- All members should have a **similar opportunity** to speak
- The presiding officer may wish to **step aside** if actively involved
- Extend **courtesy** to each other and the public in the debate
- “**Calling the previous question**” cuts off debate – requires a vote of the board
 - Debate?



19

5. Voting

- Usually only a **simple majority** is required
- Does the **Mayor** or **Chair** vote?
- **Presiding officer** should announce result
- **Record** votes in the minutes
- Voting by **ballot**



20

Duty to vote

- Member may be **excused** from voting only if matter involves the member's **financial interest** or **official conduct** or member is **prohibited** from voting under
 - **14-234** (direct benefit in contracting)
 - **160D-109(a)** (legislative zoning decisions)
 - **160D-109(d)** (quasi-judicial decisions)
- What if **unexcused** failure to vote?
City? County?



21

Cities

- Special voting requirements in some instances
- Adopt ordinance on date of introduction
 - 2/3 actual membership – vacant seats
 - Mayor included only if she has right to vote on all questions
- Adopt ordinance (or amendment to ordinance) or approve a contract
 - Majority of all members not excused from voting (including mayor if equal division)



22

Counties

- Special voting requirements in some instances
- Adopt ordinance on date of introduction
 - Approval of ALL members of BOC
 - Exceptions
- Adopt ordinance at subsequent meeting
 - Majority of votes cast, a quorum being present



23

Problem 1

- Council has 7 seats, but 2 are vacant. Mayor may vote on all questions. On DOI council votes 4 to 2 in favor of proposed ordinance amendment. Result?
- **Ordinance passes**
- **7 (total seats) + 1 (mayor) = 8**
- **8 – 2 (vacancies) = 6**
- **2/3 of 6 = 4.**



24

Problem 2

- Council has 6 seats, no vacancies. Mayor votes only in case of a tie. With 1 member excused from voting, council votes 3 to 2 in favor of ordinance to restrict discharge of firearms within city limits. Vote doesn't occur on DOI. Result?
- **Ordinance passes.**
- **6 (total seats) – 1 (excused mbr) = 5**
- **Majority of 5 = 3**



25

Problem 3

- Board of County Commissioners has 8 seats, one of which is vacant. With one 1 excused from voting, the board votes 6-0 in favor of adopting a noise ordinance on the DOI. Result?
- **The noise ordinance hasn't been adopted because not all members voted in favor of the motion to approve it. The ordinance must be considered at board's next regular meeting, at which point it could be adopted if approved by a simple majority of votes cast.**



26

Problem 4

- Same 8-member board votes 2-1 to adopt a proposed pet ordinance, with 3 members absent and 2 excused from voting. The vote occurs at the 1st regular meeting following the DOI. Result?
- **Ordinance passes because it received a majority of votes cast within 100 days of DOI, a quorum being present.**



27

Remote meetings during state of emergency

- Voting must be by roll call
- A vote or failure to vote by remote member treated as if member was physically present only while simultaneous communication is maintained – really only affects failure to vote

28

6. Postponing / Reviving Matters

Procedural Options:

- Defer consideration (Table)
- Revoke consideration (Take from table)
- Prevent reintroduction ('Clincher')
- Postpone to a certain date
- Reconsider
- Rescind or repeal



29

7. Remote meetings during state of emergency (misc.)

- Only when declared by Governor or General Assembly
- Meeting notice must specify means for public access
- Member not visible must identify herself whenever speaking or voting
- Minutes must identify who participated remotely and when they joined/left the meeting
- Public hearings supplemented with written comments within 24 hours – no action?

30

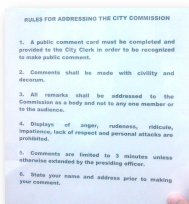
8. Managing Public Input

- Establish rules for speakers to ensure **fairness and maintain order**
- **Announce** rules before comment period/hearing
- Provide rules in **writing**
- Apply rules **consistently** to all speakers
- Determine **subject matter limitations** – if any – in advance (be careful not to trample 1st Amendment)



31

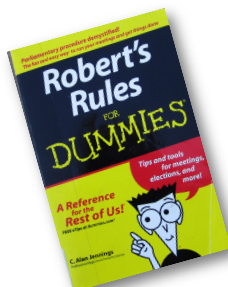
Public Comment Rules: Tips & Suggestions



- ✓ Time limit for speakers (*timekeeper?*)
- ✓ Representative to speak for large group
- ✓ Remove disruptive individuals
- ✓ Limits signs and displays
- ✓ Sign-up sheet
- ✓ No personal attacks, profanity, etc.
- ✓ Receiving written comments, handouts, etc.

32

Bottom Line: KEEP IT SIMPLE!



33

Resources

SOG Publications: www.sog.unc.edu