

Suggested Rules of Procedure for Small Local Government Boards

Second Edition

A. Fleming Bell, II



About the Series

Local Government Board Builders offers local elected leaders practical advice on how to effectively lead and govern. The booklets in this series provide topic overviews, specific tips on effective practice, and worksheets and reflection questions to help local elected leaders improve their work. The series focuses on common activities for local governing boards, such as selecting and appointing committees and advisory boards, planning for the future, making better decisions, improving board accountability, and effectively engaging stakeholders in public decisions.

Vaughn Mamlin Upshaw, lecturer in public administration and government at the UNC School of Government, is the series editor.

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Preface

Bonnie E. Davis's highly useful, out-of-print work, *Suggested Rules of Procedure for Small Governing Boards*, was revised and expanded in 1998 under the title *Suggested Rules of Procedure for Small Local Government Boards* and is reprinted here as part of the *Local Government Board Builders* series. This reprint adds to Rule 5 and Rule 23 new material that addresses 2005 legislation pertaining to public comment periods and that was originally included as an errata sheet to the 1998 edition.

As the revised title suggests, this handbook is intended for use by a wide variety of boards in local government, from boards of health and library boards to water and sewer authorities. Many of these boards are listed in Appendix B along with references to specific procedural statutes applicable to each of them. *Suggested Rules for Small Boards* is a companion to two other Institute of Government publications, *Rules of Procedure for the Board of County Commissioners*, 3d ed., 2002, by Joseph S. Ferrell, and *Suggested Rules of Procedure for a City Council*, 3d ed., 2000, by this author.

The modifications in this edition are intended to update and enlarge Davis's treatment of several subjects and to reflect the requirements of North Carolina's open meetings law. The rules governing agendas, the powers of the chair, citizen participation in meetings, closed sessions, minutes, appointments, and some procedural motions, for example, have been rewritten or modified. New rules dealing with voting by written ballot, ratification of actions, and committees and boards have been added, along with an appendix summarizing the requirements for the procedural motions permitted under the rules.

The handbook does not include procedures to be followed by local boards when they must act in a quasi-judicial manner. Examples of rules for such situations may be found on pages 42 through 71 of *The Zoning Board of Adjustment in North Carolina*, revised ed., 1984, by Michael B. Brough and Philip P. Green, Jr., also published by the Institute of Government.

I thank my colleagues Joseph S. Ferrell and David M. Lawrence, who reviewed a version of the revised text, as well as other colleagues who provided information about the procedural statutes applicable to particular boards. I am also very grateful to James H. Slaughter, attorney, Certified Professional Parliamentarian, and Professional Registered Parliamentarian, from Greensboro, North Carolina, who reviewed the text and provided many useful suggestions. My editors Marjorie Hudson and Lucille Fidler also suggested many helpful changes. I hope that this new edition of

Suggested Rules of Procedure for Small Local Government Boards will prove to be a valuable tool for the local boards that seek to conduct the business of North Carolina local government in an open, fair, careful, and expeditious manner.

A. Fleming Bell, II

Introduction

These rules of procedure were designed for use by small local government boards. “Small” is a relative term; boards with as many as twenty-five members may find the rules useful. Appendix A lists some of the kinds of boards for which these rules were designed. The rules incorporate general principles of parliamentary procedure and applicable North Carolina laws. Essentially the rules are a modified version of those found in *Robert’s Rules of Order Newly Revised* (hereinafter referred to as *RONR*). However, *RONR* is intended primarily to guide the deliberations of large legislative bodies; its detailed rules are not always appropriate for small governing boards. A small board can afford to do some things that are not appropriate for a large body, and in some cases the procedure prescribed by *RONR* for larger assemblies is unnecessarily cumbersome. *RONR* itself recognizes that more informality is desirable with small boards (*RONR* § 48, pp. 477–78). These rules detail the more informal procedures that might be expected with a small board. This book modifies *RONR* with the following principles in mind:

1. The board must act as a body.
2. The board should proceed in the most efficient manner possible.
3. The board must act by at least a majority.
4. Every member must have an equal opportunity to participate in decision making.
5. The board’s rules of procedure must be followed consistently.
6. The board’s actions should be the result of a decision on the merits and not a manipulation of the procedural rules.

The North Carolina laws that establish or authorize the many small boards used in local government usually provide little or no guidance as to the procedures to be followed by such boards. The laws governing city councils and boards of county commissioners do give more specific guidelines for those boards; rules of procedure for them are covered in two separate Institute of Government publications. [See Joseph S. Ferrell, *Rules of Procedure for the Board of County Commissioners*, 3d ed. (Chapel Hill: Institute of Government,

2002) and A. Fleming Bell, II, *Suggested Rules of Procedure for a City Council*, 3d ed. (Chapel Hill: Institute of Government, 2000).] Any procedural rules adopted by a small board must of course follow the requirements specifically prescribed for that board by the state legislature or other authorizing body. Particular procedural statutes for some of the more common kinds of small local boards authorized by state law are listed in Appendix A. The rules presented in this book are drafted somewhat generally so that each kind of local board can easily adapt them to comply with statutory requirements particular to it.

Many of the rules suggested here, do, however, reflect the provisions of the North Carolina open meetings law, Chapter 143, Article 33C, of the North Carolina General Statutes (hereinafter G.S.) (G.S. 143-318.9 to 143-318.18). The open meetings law applies to practically all of the small local government boards that would have occasion to use this book: it covers all elected or appointed authorities, boards, commissions, councils, or other bodies of one or more counties, cities, school administrative units, or other political subdivisions or public corporations in the state that (1) have two or more members and (2) exercise or are authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. It also applies to most public hospital governing boards, including the boards of nonprofit hospital corporations. The law does not apply, however, to certain staff meetings. See G.S. 143-318.10(b) and (c).

When the rules in this book state procedures that are required by sections of the open meetings law, that fact is noted in the *Comments*. Local boards must follow procedures required by the open meetings law whether or not they adopt some version of the rules in this book. And, of course, there may be other procedural statutes that apply to the board as well (see Appendix A).

A local board has a relatively free hand in designing its own rules of procedure, as long as the requirements of the open meetings law and any other applicable statutes are followed, any rules imposed on the board by its creator are obeyed, and the board adheres to the general principles listed earlier. Most of the rules in this book are merely suggested procedures, and each board should feel free to change them to suit local needs and customs. For example, Rule 9 eliminates the requirement of a second to a motion. The board may choose to adopt that rule or not. Alternative wordings and optional language for some of the rules are shown enclosed in brackets.