



**MARTIN COUNTY
BOARD OF COMMISSIONERS**

RULES OF PROCEDURE

**Adopted: May 11, 2011
Amended: October 12, 2016
Amended: June 10, 2020
Amended: January 13, 2021**

RULES OF PROCEDURE

MARTIN COUNTY BOARD OF COMMISSIONERS

(1) Regular Meetings

The Board shall have a regular meeting on the Second Wednesday of each month. The Chairman or a majority of the members of the board shall change the regular meeting schedule due to a holiday or a conflict in schedules. Reasonable notification shall be given to each board member and the public. A copy of the notice or agenda shall be posted on the doors of the Martin County Government Center, on the door of the regular meeting room and the county website before the meeting. Regular meetings will begin at 7:00 p.m., and they will be held in the Commissioners' Meeting Room, Martin County Government Center, and 305 East Main Street, Williamston, NC. Public hearings will be held at 7:00 p.m. on the same day as the regular meeting.

The draft agenda for all meetings will be subject to the approval of Chairman of the board, after consultation with the County Manager.

(2) Special Meetings

The Chairman or a majority of the members of the board may at any time call a special meeting of the board of commissioners. The person or persons who call(s) the meeting shall cause the notice to be delivered to the place of each member at least forty-eight (48) hours before the meeting and shall cause a copy of the notice to be posted on the doors of the Martin County Government Center and on the door of the regular meeting room at least forty-eight (48) hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

If a special meeting is called to deal with an emergency, the notice requirements of this rule do not apply. However, reasonable action shall be taken to inform the members and the public of the meeting. Only business connected with the emergency may be discussed at the meeting.

(3) Organizational Meeting

On the first Monday in December following a general election in which county commissioners are elected, the incumbent board shall meet at 9:00 a.m., at the regular place of meeting. The newly elected county commissioners shall be sworn as part of the organizational meeting. The newly formed board of commissioners shall elect its Chairman and Vice Chairman as its first order of business. The County Manager shall preside until the Chairman is elected.

The second order of business shall be the appointment of the Clerk to the Board and the County Attorney.

(3a.) Remote Participation In Meeting

1. By resolution dated October 12, 2016, The Board affirms the use of Roberts' Rules of Order as the basis for the Rules of Procedure which govern regular, special and emergency meetings of the Martin County Board of Commissioners.
2. Further, the Board amends its existing Rules of Procedure to adopt, authorize and permit the use of telephone and/or video conference technology to accommodate the needs of members who cannot attend meetings due to circumstances beyond their control. Such telephone and/or video conference technology shall only be permitted at meetings where a means of technology is available that allows all persons participating to hear each other at the same time, thereby offering the opportunity for simultaneous communication and deliberation.
3. Board Members participating electronically via videoconference or telephone will address the Board Chair when seeking to obtain the floor and shall wait until the Board Chair recognizes them before asserting control of the floor.
4. General discussion among Board members present and those connected electronically via telephone and/or video conference technology shall be of an informal nature as if the remote Board member was present.
5. A Board member participating by telephone and/or video conference technology means shall be counted for voting purposes but not, purposes of establishing a quorum, unless the County or State is under a State of Emergency that makes an in-person meeting unadvisable. A voice vote by telephone, which can be heard and recorded, shall satisfy the basic voting requirements; in cases of written ballots, a fax, email or text messages shall be considered as a written ballot; electronics signatures (generally now accepted as binding in other circumstances) shall be accepted. (Amended June 10, 2020) (Amended January 13, 2021)
6. A Board member participating by telephone and/or video conference technology means shall explicitly notify the board when the remote participant will be leaving the meeting or rejoining the meeting by terminating or restarting the electronic connection, and will not be considered present if the connection is lost unintentionally, due to technical problems.
7. A Board member participating by telephone and/or video conference technology means shall not participate in closed sessions or quasi-judicial hearings discussions, unless the County or State is under a State of Emergency that makes an in-person meeting unadvisable. Any Board Member participating in a closed session remotely shall ensure they are in a private room with no other unauthorized person. Further, they shall take all reasonable measures to ensure

that any confidential information is not disclosed to an unauthorized person.
(Amended October 12, 2016) (Amended June 10, 2020) (Amended January 13, 2021).

(4) Agenda

The County Manager and Clerk to the Board shall prepare the agenda for the meeting. A request to have an item of business placed on the agenda must be received by 12:00 noon on Wednesday preceding the meeting. A paper copy of background information shall be accepted but information shall be submitted in an electronic word document whenever possible to the County Manager or the Clerk to the Board. Any board member may, by a timely request, have an item placed on the agenda.

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. A copy of all proposed ordinances shall be attached to the agenda, if available to the clerk. A copy of the agenda and attached materials shall be available for public inspection as soon as they are completed. Each board member shall receive a copy of the agenda packet preceding the meeting date. Copies of the agenda summary may also be available for members of the public and posted on the County's website.

(4a) Guidelines for Resolutions and Proclamations Submitted to the Board for Consideration

All resolutions and proclamations submitted to the board for adoption must first receive sponsorship by a commissioner. Citizens contacting county staff for approval of these documents should be referred to the commissioners. When a board member consents to sponsor a resolution or proclamation, notification should be given to the county manager or clerk to the board.

(5) Public Address to the Board

Any individual or group who wishes to address the board, about a county related matter, should make a request to the clerk to the board to be on the agenda. In an effort to insure that all persons receive equal time for expression and to assist the staff in estimating meeting lengths, the following time limits will be observed.

Appointments Before the Board

A time limit of fifteen (15) minutes.

Public Hearings

A time limit of five (5) minutes. If a large number of individuals wish to speak, the chairman, or the board by majority vote, may set a total time limit for all speakers, with the time being divided equally between proponents and opponents.

Public Comment Period

***Speakers will be limited to a maximum of three (3) minutes.**

****Public Comment Period will close at the end of twenty (20) minutes.**

*****If time does not permit you to speak tonight, you will be placed on the list for Public Comments at next month's meeting.**

PUBLIC COMMENT PROCEDURES MARTIN COUNTY BOARD OF COMMISSIONERS

The Martin County Board of Commissioners is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:

1. The Public Comment Period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes. The Board can choose to extend the time for the comment period by a majority vote.
2. Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Commissioners' Board Room indicating contact information and topic. No one will be allowed to have his/her name placed on the list by telephone request to County staff.
3. Each person signed up to speak will have three (3) minutes to make his/her remarks with no waiving of time to other speakers.
4. Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign-up sheet. Only one speaker will be acknowledged at a time. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.
5. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual commissioner. Discussions between speakers and members of the audience will not be allowed.
6. Speakers will be courteous in their language and presentation.

7. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.
8. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Clerk to the Board.
9. Speakers shall not discuss any of the following: matters which concern the candidacy of any person seeking public office, including the candidacy of the person addressing the Board; matters which are closed session matters, including but not limited to matters within the attorney-client privilege, anticipated or pending litigation, personnel, property acquisition, matters which are made confidential by law; matters which are the subject of public hearings.
10. Information sheets outlining the process for the public's participation in Board meetings will be available on the table outside the entrance door to the Commissioners' Board Room.
11. Board members may ask the speaker questions for clarification.
12. Action, responses or comments by the Board on items brought up during the Public Comment Period will be at the discretion of the Board. At the request of a member of the Board, the County Manager, County Attorney or other appropriate staff member(s) present, may respond to a concern raised by a speaker during the Public Comment Period, after the speaker is finished.

(6) Order of Business

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

- Call to Order
- Pledge of Allegiance to the Flag
- Invocation
- 1. Agenda Approval
- 2. Public Comments
- 3. Consent Agenda
- 4. Introduction of New Employees
- 5. Presentation of Special Recognitions and Awards
- 6. Public Hearings, if there are any scheduled
- 7. Old Business
- 8. New Business
- 9. Board Reports by Commissioners
- 10. Closed Session
- Adjournment

By vote of the board, items may be considered out of this order. Changes may be made in the Agenda at the beginning of the meeting, or at any other time the majority of the board members wish to make a change.

The Order of Business of an organizational meeting during an election year will usually be as follows:

- Call to Order
- Pledge of Allegiance to the Flag
- Invocation
- 1. Agenda Approval
- 2. Presentation of Plaque and Minute Book (Outgoing board member, if any)
- 3. Swearing- In Ceremony
- 4. Recess
- 5. Board Reorganization
- 6. Public Comments
- 7. Consent Agenda
- 8. Introduction of New Employees
- 9. Presentation of Special Recognitions and Awards
- 10. Public Hearings, if there are any scheduled
- 11. Old Business
- 12. New Business
- 13. Board Reports by Commissioners
- 14. Closed Session
- Adjournment

(7) Election of the Chairman and Vice Chairman

The Chairman and Vice Chairman of the board shall be elected annually and shall not be removed from the office of the Chairman or Vice Chairman unless he/she becomes disqualified to serve as a member of the board.

(8) Powers of the Presiding Officer

The Chairman shall preside at all 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 entertain and answer questions of parliamentary law or procedure.

4. To call a brief recess at any time.

5. To adjourn in an emergency.

6. To assign seats to board members. The board may adopt an alternate seating arrangement by majority vote.

(9) Presiding Officer when the Chairman is in Active Debate

The Chairman shall preside at meetings of the board unless he/she becomes actively engaged in debate on a particular proposal, in which case another designated board member may be asked to preside. The Chairman shall resume the duty to preside as soon as action of the matter is concluded.

(10) Action by the Board

The Board shall proceed by motion. Any member, including the Chairman, may make a motion. For further action to be taken, the motion must be seconded by one other commissioner other than the member who made the motion. A motion, which is not seconded after two calls for seconds by the Chairman, shall die and not be acted upon. A motion which was properly seconded shall be discussed in the extent the Board desires before any vote is taken. A vote may be taken only after all discussion has been concluded. The Chairman may close discussion at his discretion, and call for a vote. Minutes of the Board will reflect the names of the Commissioner making the motion and the name of the Commissioner seconding the motion.

At the appropriate time a properly seconded motion shall be voted on by the members of the Board present. All members present, including the Chairman, must either vote or abstain. All votes shall be voice votes, unless otherwise decided by the Board, with AYE signifying agreement with the motion and NAY signifying disagreement with the motion. Any member, including the Chairman, may ask that a vote be taken by raising hands, so that a definite count of the vote may be taken. Motions which receive a majority favorable vote are adopted. Minutes of the Board will reflect the vote taken on each motion and the outcome of the vote.

(11) Second of a Motion

A second shall be made following all motions.

(12) One Motion at a Time

Only one motion should be on the floor at a time.

(13) Substantive Motion

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

(14) Adoption by a Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules of the laws of North Carolina.

(15) Debate

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

(a) The introducer (member who makes the motion) is entitled to speak first.

(b) A member who has not spoken on the issue shall be recognized before someone who has already spoken.

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

(16) 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 each vote taken.

(a) 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. It is not debatable and cannot be amended.

(b) To take a recess.

(c) To call to follow the agenda. The motion must be made at the first reasonable opportunity or it is waived.

(d) To suspend the rules. The motion requires a vote equal to a quorum, but to suspend a rule requiring a two-thirds vote, the motion requires a two-thirds vote of the members present, as well as a vote equal to a quorum.

(e) To divide a complex motion and consider it by paragraph or section. The motion is not debatable. If two or more separate matters are offered in one motion, the matters shall be voted on separately at the request of any member of the board.

(f) To defer consideration. A substantive motion whose consideration has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.

(g) Call of the previous question. The motion is not in order until there has been at least 15 minutes of debate and/or every member has had one opportunity to speak on the main motion.

(h) To postpone an item to a certain time or day.

(i) To refer to a committee. Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the board.

(j) 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.

There may be an amendment to the motion and an amendment to an amendment, but no further amendments.

Any amendment to a proposed ordinance shall be reduced to writing on the call of any member, including the chairman.

(k) To revive consideration. The motion is in order at any time one hundred (100) days after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires one hundred (100) days after being deferred, unless a motion to revive consideration is adopted.

(l) 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.

(m) To rescind or repeal.

(n) To ratify.

(o) No consideration for six months. When a substantive motion has been defeated, the board shall not consider that motion again for six months, except on the motion of a member who voted with the prevailing side, or who was absent from the meeting at which the original vote was taken.

(p) Withdrawal of a motion.

(q) Point of Order. The motion is not debatable.

(r) Appeal a ruling of the chair.

- (s) To adjourn the meeting to a certain time, date, and place (fix the time to which to adjourn).

(17) Duty to vote/Abstention

Each member must vote unless excused by a majority vote according to law. A member who must be excused from voting because of a legal requirement (conflict of interest) shall so inform the chairman, who will take a vote of the remaining members. If a person is not excused from voting as described above and does not audibly vote or abstains from voting, then the inaudible vote or abstention shall be counted with the affirmative vote.

(18) Introduction of Ordinances

A proposed ordinance shall be deemed to be introduced at the first meeting for which it is placed on the agenda, regardless of whether it is actually considered by the board, if it is prominently identified on the agenda through the use of asterisks, underlining, or other similar printing devices.

(19) 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 all members of the board of commissioners. If the proposed ordinance is approved by a majority of those voting but not by all members of the board, or if the ordinance is not voted on at the meeting, it shall be considered at the next regular meeting of the board. If it then or at any time thereafter within one hundred (100) days of its introduction receives a majority of the votes cast, a quorum being present, the ordinance is adopted.

(20) Adoption of the Budget Ordinance

Notwithstanding the provisions of any general or local act:

1. Any action with respect to the adoption or amendment to the budget ordinance may be taken at any regular or special meeting of the board 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 need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the board.

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

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 work session meetings that may be necessary to complete its work on the budget ordinance. Any provisions of the law concerning the call of special meetings does not apply during that period so long as each member of the board has actual notice of each work session meeting called for the purpose of considering the budget. Notices of budget work sessions may be construed to be budget work sessions set by the board at the same meeting the budget ordinance is distributed to the board members or at any subsequent meeting, and the board members shall consider this proper notice. The board may consider other matters of business provided all board members are present; or if any are absent, if he/she has been notified that other business matters will be discussed. The board will not act on the following subjects during the budget work sessions:

1. Adoption of the budget
2. Levy of a tax
3. Enter into debt

(21) Closed Sessions

The board may hold closed sessions as provided by law. It shall commence a closed session by a majority vote and terminate a session in the same manner. Listed below are the statutes for closed session as provided by NC G.S. 143-318.11.

§ 143-318.11. Closed sessions.

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a

settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.

- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence.
- (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session. – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(22) Quorum

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. If a member has withdrawn from a meeting without being excused by a majority vote of the remaining members present, the member shall be counted as present for the purpose of determining whether a quorum is present. (NC G.S. 153A-43)

(23) Public Hearings

Public hearings required by law or deemed advisable by the board shall be organized by a special order, 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, etc. Unless otherwise provided by the special order, each speaker shall be limited to five minutes for a public address. If a large number of individuals wish to speak, the chairman, or the board by majority vote, may set a total time limit for all speakers, with time being equally divided between proponents and opponents of an issue. At the appointed time, the chairman or designee shall call the hearing to order and then preside over it. When the allotted time expires or all persons who wish to speak have spoken, the chairman or designee shall declare the hearing ended. It shall commence a public hearing by a majority vote and terminate a session in the same manner.

(24) Quorum at Public Hearings

A quorum of the board shall be required at all public hearings required by state law.

(25) Minutes

Minutes shall be kept of all meetings of the board, and the following procedures shall be used for adoption.

- (a) Adoption of regular minutes shall occur at the next regularly scheduled meeting. Budget session minutes shall be adopted at the next regularly scheduled meeting or as soon thereafter as is practical.

A sealed draft copy of the Closed Session minutes shall be given to each Commissioner with the next regular meeting agenda packet. Closed session minutes shall be adopted at the next regular meeting. Authorization shall be given to the county manager, clerk to the board, and/or county attorney to periodically review the sealed minutes to determine if the need for confidentiality continues to exist. The closed sessions minutes may be unsealed by any combination of the two administrative staff persons that have been given authorization to review closed session minutes for the possibility of being unsealed.

- (b) A copy of the adopted and unsealed minutes shall be sent to the North

Carolina Department of Cultural Resources/Division of Archives and History
for microfilming.

(26) Appointments

The board will use the following procedure to make appointments to various boards and offices:

The clerk will make the commissioners aware of the vacancies occurring on the boards and commissions. Traditionally, the board has accepted the recommendations from the various boards and commission.

Citizens interested in serving voluntarily on boards and commissions should fill out an application for Martin County Boards/Commissions Appointment.

The following resolution on board appointments was adopted in December 1981 by the residing board.

NORTH CAROLINA
MARTIN COUNTY

The following resolution was offered to the Board of Commissioners of Martin County by Commissioner Russell Griffin.

WHEREAS, it is the belief of the County Commissioners of Martin County that it is in the best interest of this County that no member on an appointed county board serve consecutively for longer than eight (8) years, or two (2) complete consecutive terms.

NOW THEREFORE, it is hereby resolved as follows:

(a) that no member of an appointed county board shall serve consecutively longer than eight (8) years or two (2) complete consecutive terms.

(b) this eight (8) consecutive years or two (2) consecutive term rule shall begin to run as to each county appointee after he or she completes his or her present term of office.

(c) this resolution shall not invalidate any action taken by the various appointed boards of Martin County.

(d) this resolution is effective from the 7th day of December 1981.

Commissioner Russell Griffin moved the adoption of the foregoing Resolution; Commissioner Joe B. Griffin seconded this motion and it was unanimously passed by the Board of Commissioners on the 7th day of December, 1981.

(27) Reference to Robert's Rules of Order, latest edition

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, latest edition, for unresolved procedural questions.

Adopted: May 11, 2011

Amended: October 12, 2016

Amended: June 10, 2020

Amended: January 13, 2021

Ronnie Smith, Chairman
Martin County Board of Commissioners

Jessica Godard, NCCCC
Clerk to the Board of Commissioners