

RULES OF PROCEDURE FOR THE ALAMANCE COUNTY BOARD OF COUNTY COMMISSIONERS

I. PREAMBLE

These Rules of Procedure apply to all meetings of the Alamance County Board of Commissioners at which the Board is empowered to exercise any powers conferred on it by law. While open debate is the foundation of the democratic process, a productive exchange of opinions requires respect and decorum between Commissioners and the Public as acknowledged in the Alamance County Public Comment Policy, which is incorporated herein by reference.

II. OPEN MEETINGS

Section 1. Meetings to Be Open.

(a) The public policy of North Carolina and of Alamance County is that the hearings, deliberations, and actions of this Board be conducted openly. NCGS 143-318.9.

(b) Except as otherwise provided in these rules and in accordance with NCGS 143-318.10 (a), each official meeting of the Alamance County Board of County Commissioners shall be open to the public, and any person may attend.

(c) For purposes of the provisions of these Rules, an official meeting of the Board is defined as a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of Board 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 Board. NCGS 143-318.10 (d).

Section 2. Closed Session.

Notwithstanding the above provisions, the Board may hold a closed session and exclude the public pursuant to NCGS 143-318.11.

III. OFFICERS

Section 1. Officers.

The Board's officers shall be a Chair and Vice-Chair. These officers shall perform the duties prescribed by these Rules and law.

Section 2. Election of Chair and Vice -Chair.

At its first regular meeting in December of each year or as otherwise provided by law, the Board shall elect a Chair and Vice-Chair for the ensuing year. NCGS 153A-39.

Section 3. Duties of Officers.

In addition to any duties prescribed by law, the Chair shall have the following powers:

- (a) To preside at meetings of the Board;
- (b) To recognize members who are entitled to the floor;
- (c) To call a brief recess at any time;
- (d) To set a maximum time allotted to a public speaker at a public hearing;
- (e) To allow a public speaker to speak on an agenda item that does not involve a public hearing;
- (f) To require the designation of a speaker for groups of persons;
- (g) To direct the Clerk to swear in witnesses (including attorneys) in matters where the Board sits in a quasi-judicial capacity;
- (h) To enforce the rules relating to debate and those relating to order and decorum; and
- (i) To call a Special Meeting of the Board at any time deemed necessary by the Chair.

Section 4. Agenda Preparation.

Final approval of items placed on the Agenda shall be made by the Chair or any board member so designated by the Chair.

Section 5. Absence of Chair.

In the absence of the Chair, the Vice-Chair shall preside over Regular meetings and Special Meetings. In the absence of both the Chair and Vice-Chair, the members present shall elect a temporary Chair.

IV. MEETINGS

Section 1. Regular Meetings.

Regular meetings of the Board shall generally be held at 9:30 a.m. on the first Monday and 6:30 p.m. on the third Monday of each month in the Commissioners Meeting Room of the Alamance County offices, 124 West Elm Street, Graham, North Carolina. Meeting days and times may be altered by vote of a majority of the members of the Board as allowed by law. Each December the Board will adopt a schedule of meetings for the following year. If cancellation or abbreviation of a meeting is being considered due to inclement weather, the Chair should notify other Board members no later than 3 hours before the meeting. NCGS 153A-40.

Section 2. Special Meetings.

Special meetings may be called by the Chair or a majority of the members of the Board and shall comply with applicable law. NCGS 143-318.9 - 318.16A and 153A-40(b).

Section 3. Quorum.

A majority of the membership of the Board shall constitute a quorum. If a member withdraws from a meeting without being excused by majority vote of the remaining members present, the member shall be counted as present for the purposes of determining whether a quorum is

present, as provided by law.

Section 4. Remote Meetings.

Notwithstanding any other provisions of law, upon issuance of a declaration of emergency under NCGS 166A-19.20, and in accordance with NCGS 166A-19.24, the Board may hold a remote meeting.

Section 5. Attendance.

All members are encouraged to attend meetings to the fullest extent practicable.

Section 6. Minutes.

Minutes of all meetings shall be kept by the Clerk as required by NCGS 143-318.10(e).

V. AGENDA

Section 1. Preparation of the Agenda

(a) The County Manager (with input from the Chair and/or Vice-Chair and/or other Commissioners and assistance from the Clerk and staff) shall prepare the proposed agenda for each meeting.

(b) The agenda shall include time for Public Comments from the public in attendance. Speakers shall limit remarks to three minutes and may speak only one time during each public comment period. These time limits may be suspended as necessary in the sole discretion of the Chair. Public Comment speakers may not use videos, nor any other electronic mediums during the public comment period. The Public Comment Policy is incorporated herein by reference.

(c) The agenda shall include time for “Comments from County Commissioners” relating to the welfare of Alamance County and the Board, including informal observations on the work of the Board and announcements. Motions and resolutions shall generally not be in order made during Comments from County Commissioners. Each member shall be allowed to speak briefly on items

noticed under Comments from County Commissioners with no rebuttal and no yielding of time by another Board member.

(d) The Board may, by majority vote, add an item not on the agenda on findings by the majority of the Board such item could not have reasonably been placed on the agenda pursuant to normal procedures and is necessary.

Section 2. Agenda Items

(a) The Board shall proceed to business in the following order:

- i. Invocation and Pledge of Allegiance;
- ii. Call to Order;
- iii. Public comments related to agenda items;
- iv. Consent agenda items, including approval of minutes;
- v. Scheduled public hearings;
- vi. New business, to include introduction by any commissioner of a motion or resolution;
- vii. Public comments for items not on the Agenda;
- viii. County Manager's Report;
- ix. Comments from County Commissioners;
- x. County Attorney's Report;
- xi. Adjournment.

(b) Each agenda item should contain a cover sheet with a concise one or two paragraph summary prepared by staff. The initiating agency is responsible for drafting the summary, subject to such changes as may be made in the review process. The summary should include background information on the item, justification for county involvement, short-term and long-term impact on

county programs and revenue, action requested or required to be taken by the Board, and a recommendation by the County Manager and appropriate staff.

(c) Each agenda item should include as much background material as is necessary for an informed decision by the Board. Non-routine items requiring action should contain a formal written resolution prepared by staff and reviewed in advance by the County Manager and County Attorney.

VI. CONDUCT OF DEBATE

Section 1. Motions.

Board action shall proceed by motion. Any member, including the Chair, may make a motion.

Section 2. Seconding Motions.

Before a motion is voted on, the motion requires a second. A second on a motion may be made before or following discussion and debate.

Section 3. Only One Motion.

A member may make only one main motion at a time.

Section 4. Main Motions.

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

Section 5. Debate on Motions.

The Chair shall state the motion and then open the floor to debate, presiding according to these general principles:

(a) If the member who made the motion claims the floor and has not already spoken on the question, that member is entitled to be recognized in preference to other members;

(b) No member is entitled to the floor a second time in debate on the same motion on the same day as long as any other member who has not spoken on the motion desires the floor;

(c) Board members are expected to conduct debate in a responsible manner in accordance with the Ethics Policy.

Section 6. Right to Debate.

All Board members may debate an agenda item; and may briefly speak a second time during debate so long as all Board members wishing to speak have had an opportunity to do so.

Section 7. Decorum of Audience. (recommend deletion because this is covered in the Board's "Public Comment Policy")

Section 8. Majority Vote.

Unless otherwise required by applicable law or these Rules, a majority vote is required for the adoption of a motion.

Section 9. General Consent.

Decisions on routine business may be made by general consent ("consent") and the minutes shall so reflect.

Section 10. Duty to Vote.

Each Board member is required to vote on all matters unless excused by a majority vote in accordance with the law. A Board member who fails to vote, and has not been excused, shall be recorded in the minutes as voting in the affirmative. NCGS 153A-44.

(a) Any member who seeks to be excused from a vote shall briefly state the basis for reason. An unauthorized abstention shall be counted as a vote against the motion.

(b) If a member has withdrawn from the meeting without being excused by a majority vote, and is not present for the call of a vote, the member will be recorded as absent in the minutes of the meeting.

VII. PARLIAMENTARY AUTHORITY

The Chair shall preside at Board meetings and make rulings not inconsistent with applicable law, these Rules and the UNC School of Government publication Suggested Rules of Procedure for the Board of County Commissioners – Fourth Edition, authored by Trey Allen, Publication Date - August 15, 2017.

VIII. RULES OF PROCEDURE

Section 1. Copy.

The Clerk shall maintain a current set of these rules.

Section 2. Third Parties.

Failure to follow these Rules of Procedure shall not create rights in third parties unless otherwise provided by law.

Section 3. Amendment to Rules.

These Rules may be amended by a majority vote of the membership of the Board. Any provision of these Rules may be suspended for any meeting by a majority vote of those present and voting.

ADOPTED this 17th day of July, 2023.

John P. Paisley, Jr., Chair
Board of Alamance County Commissioners