

RULES AND PROCEDURES FOR THE BOARD OF COUNTY COMMISSIONERS COUNTY OF BUNCOMBE

I. REGULAR MEETINGS

The Board shall hold a regular meeting on the first and third Tuesday of each month beginning at 4:30 p.m. (except that if a regular meeting day is a legal holiday, the meeting shall be held on the following Tuesday) in the Buncombe County Commissioners' Chambers located at 200 College Street, Room 326, in downtown Asheville and the pre-meeting will begin at 4:15 p.m.

II. SPECIAL MEETINGS

- A. The Chairman or a majority of the members of the Board may at any time call a special meeting of the Board of Commissioners by signing a written notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call the meeting shall cause the notice to be mailed, emailed or delivered to the Chairman and all of the Board members, or left at the usual dwelling place of each member, at least 48 hours before the meeting, and shall cause a copy of the notice to be posted on the principal bulletin board of the Board or at the door of its usual meeting room or on the building in an area accessible to the public at least 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.
- B. If a special meeting is called to deal with an emergency, the notice requirements of this rule do not apply. However, the person or persons who call an emergency special meeting shall take reasonable action to inform the other members and the public of the meeting. Only business connected with the emergency may be discussed at the meeting.

III. ORGANIZATIONAL MEETING

On the first Monday in December of every year, the Board shall meet for the newly elected members to take and subscribe to the oath of office as the first order of business. As the second order of business, the Board shall elect a Vice Chairman from among its members. As the third order of business, the Board shall approve the Bonding of County officials.

IV. AGENDA

- A. The County Manager, as Chief Administrative Officer, in cooperation with the Chairman, shall have administrative oversight in preparing the agenda for the meeting. Any individual or group who wishes to have an item of business ~~placed on~~ **considered** for the agenda shall make a request to be on the agenda to the County Manager. The request must be in writing and must state the nature of the matter so that the County Manager and/or appropriate staff will have an opportunity to respond to the area of concern. If appropriate, the County Manager will resolve the request and, if not, the County Manager will determine when the individual or group should be placed on the agenda. The time limit for any individual or representative addressing the Board shall be five minutes, unless a majority of the Board agrees to additional time.

- B. Agenda packets, prepared by the Clerk to the Board, shall include, for each item of business placed on it, as much background information on the subject as is available and feasible. The agenda shall be published on the County's website and available for public inspection no later than 5 p.m. on the Wednesday preceding the meeting.
- C. The Board may by unanimous vote add an item that requires immediate action that is not on the agenda.
- D. At the request of any two (2) Commissioners an item may be moved from the consent agenda to new business for discussion. Prior to approval of the consent agenda, the Chairman will ask if any member of the public has questions regarding items on the consent agenda; however, items can only be moved from the consent agenda at the request of two (2) Commissioners.
- E. The Chairman or any three (3) members of the Board may add an item to the agenda. Such request to have an item of business placed on the agenda must be received by the County Manager no later than one week prior to the next regular meeting.
- F. At the beginning of any meeting of the Board, the Chair shall remind all members of their ~~duty to avoid conflicts of interest and appearances of conflict.~~ duties in accordance with the Code of Ethics adopted by the Board.

V. PUBLIC COMMENT ON NEW BUSINESS AND OLD BUSINESS ITEMS

- A. Any individual wishing to address a specific item on the "New Business" agenda may be recognized by the Chairman only after each Commissioner has been afforded the opportunity to discuss the specific agenda item and after two (2) members of the Board of Commissioners have requested public comment on a new business item. The time limit for any individual or representative wishing to address the Board on a specific agenda item shall be three minutes, unless a majority of the Board agrees to additional time.
- B. Items of "Old Business" will not be scheduled to include public comment. However, should three (3) members of the Board of Commissioners request an opportunity for public comment on an old business item then the Chairman will recognize any individual wishing to address such item, but only after each Commissioner has been afforded the opportunity to discuss the item. The time limit for any individual or representative wishing to address the Board on a specific agenda item shall be three minutes, unless a majority of the Board agrees to additional time.

VI. ORDER OF BUSINESS

- A. Items shall be placed on the agenda according to the "Order of Business." The Order of Business for each regular meeting shall be as follows:
 - 1. Public Comment;
 - 2. Discussion/adjustment/approval to follow agenda;
 - 3. Good News;

4. Presentations;
5. Public Hearings;
6. County Manager's Report;
7. Old Business;
8. New Business;
9. Consent Agenda;
10. Announcements;
11. Closed Session;
12. Open Session; and
13. Adjournment.

However, by general consent of the Board, items may be considered out of this order.

No item shall be presented during the County Manager's Report that requires a vote at that time.

Board approval to follow agenda automatically approves the consent agenda and approval of the minutes.

VII. POWERS OF THE PRESIDING OFFICER

- A. The Chairman shall preside at the 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:
 - 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;
 - 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;
 - To call a brief recess at any time;
 - To adjourn in an emergency.
- B. The County Attorney, or his or her designee, shall act as parliamentarian.

VIII. ACTION BY THE BOARD

- A. The Board shall proceed by motion. Any member, including the Chairman, may make a motion.
- B. All motions require a second before the motion can be discussed.
- C. A member may make only one motion at a time.
- D. A substantive motion is out of order while another substantive motion is pending.
- E. A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.
- F. The Chairman shall state the motion and then open the floor to debate on it. The Chairman

shall preside over the debate according to these general principles:

- i. The introducer (the member who makes the motion) is entitled to speak first;
- ii. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- iii. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

IX. PROCEDURAL MOTIONS

- A. In addition to substantive proposals, 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. **Upon a motion and second on any substantive proposal, the Chair shall announce the motion at which point the motion is the property of the Board. The Chair shall immediately thereafter open the floor to discussion and debate.**
- B. In order of priority (if applicable), the procedural motions are:
 1. **To Adjourn.** The motion may be made at any time by a member of the Board and would require majority vote.
 2. **To Take a Recess.**
 3. **Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity or it is waived.
 4. **To Suspend the Rules.** The motion requires a vote equal to a quorum.
 5. **To Divide a Complex Motion and Consider It by Paragraph.**
 6. **To Defer Consideration.** A substantive motion whose consideration has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.
 7. **Call of the Previous Question.** The motion is not in order until every member of the Board has had at least one opportunity to speak. **Such motion is not in order unless the movant has the floor. A motion to call the previous question requires a second, is not debatable and requires a majority vote.**
 8. **To Postpone to a Certain Time or Day.**
 9. **To Refer to a Committee.** Sixty days after a motion as 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.
 10. **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. **Such motion is not in order unless the movant has the floor. A motion to amend requires a second, is debatable and requires a majority vote. A motion to amend is amendable, however an amendment to an amendment is not amendable. The Clerk to the Board will assist the Chair in keeping track of the wording of a pending motion and the Clerk may be called upon at any time prior to vote to restate such pending motion.** Any amendment to a proposed ordinance shall be reduced to writing on the call of any member, including the Chairman.
 11. **To Revive Consideration.** The motion is in order at any time (within 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.
12. **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 or a pending matter but is in order at any time before adjournment.
 13. **To Rescind or Repeal.**
 14. **To Ratify.**
 15. **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 County Commission Board members, whichever occurs first.
 16. **To Renew a Motion.** A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.
 17. **Withdrawal of a Motion.** A motion may be withdrawn by the introducer at any time before ~~a vote~~ **the Chair announces the motion.**
 18. **Duty to Vote.** Once a meeting has been convened, every member, including the Chairman, must vote unless excused by a majority vote of those members present. A member who wishes to be excused from voting shall so inform the Chairman, who shall take a vote of the remaining members. The Board may excuse a member from voting, but only upon questions involving his own financial interest or his official conduct or on matters on which the member is prohibited from voting under NCGS §14-234, §153A-340(g), or §153A-345(e1). For purposes of this rule, the question of the compensation and allowances of members of the Board does not involve a member's own financial interest or official conduct. Refusal to vote (without just cause) shall be recorded as an affirmative vote.

C. **Polling the Board.** The Board may exercise its powers only in a regular or special meeting called in accordance with these Rules and North Carolina General Statutes attended by at least a quorum of its members. Exceptions may be made when the issue involves outside agencies over which the Board is not responsible, but which require Board support. Such polling may be conducted only by the Clerk to the Board or the attorney. Any such action shall be ratified by retroactive action by order or resolution at the next regular meeting of the Board.

X. INTRODUCTION OF ORDINANCES

A proposed ordinance shall be deemed to be introduced at the first meeting at which it is actually considered by the Board.

XI. 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 of the 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 100 days of its introduction receives a majority of the votes cast, a

quorum being present, the ordinance is adopted.

XII. ADOPTION OF BUDGET ORDINANCE

A. Notwithstanding the provisions of any general law or local act:

1. Any action with respect to the adoption of the budget ordinance shall require only one reading and may be taken at any regular, recessed, or special meeting of the Board by a simple majority of those present and voting, a quorum being present.
2. After a budget ordinance has been adopted, all requests for new or additional funding or amendments of previous budget ordinances must be submitted to and shall be reviewed by the County Manager and acted upon in the discretion of the County Manager. Any request for new or additional funding or amendments of previous budget may be added to the agenda at the County Manager's discretion.
3. 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 (other than those required by statutes).
4. 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 Board and ending with the adoption of the budget ordinance, the Board may hold any special meetings that may be necessary to complete its work on the budget ordinance. Any provisions of law concerning the call of special meetings do not apply during that period so long as (i) each member of the Board has actual notice of each special meeting called for the purpose of considering the budget, and (ii) 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 Board otherwise prohibited by law from holding such a meeting or session, and may not be construed to do so.

XIII. PUBLIC COMMENT PERIOD

- A. The Clerk to the Board shall include a public comment period at the beginning of every regular meeting.
- B. The time limit for any individual or representative addressing the Board shall be three minutes, unless a majority of the Board agrees to additional time. A group which is represented by at least 8 people in the audience may elect one representative to speak and 10 minutes of time can be awarded that representative if at least 8 people in the audience relinquish any rights to speak on the issue.

Each speaker during the public comment period shall be limited to one appearance at each regular meeting of the Board and the Board reserves the right to deny any public addresses

on a subject previously presented to the Board.

- C. If an individual's three minutes expires prior to that individual asking all his or her questions, that person may leave those questions along with his/her name, address and phone number with the County Manager who will determine who needs to respond to the question(s) and call or write that person prior to the next Board meeting.
- D. Commissioners are not expected to comment on matters brought to the Board during public comment, but should delay action or comment until staff has had an opportunity to research the subject matter and to report necessary and relevant information to all Board members.
- E. Any individual speaking during public comment shall only address the entire Board and any polling of Commissioners is inappropriate for public comment.
- F. Persons addressing the Commission are expected to observe the decorum of the Chamber, to be respectful of the Commission and the public, to refrain from the use of profanity or foul language and to refrain from making disclosures prohibited by the Personnel Act with respect to any County employee.
- G. The Chairman may rule out of order any comments made during this part of the agenda that are rude, inappropriate, or intended to harass any person or group of people or that are not addressed to the entire Board and is authorized to take reasonable and appropriate measures to ensure compliance with these rules.

XIV. CLOSED SESSIONS

The Board may hold closed sessions as provided by law. It shall commence a closed session by a majority vote to do so and terminate a closed session in the same manner.

XV. 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. No vote may be taken without four members present. Upon good cause shown, and with the general consent of the members present, a member may make an appearance at a regular meeting by telephone and vote on any matter coming before the Board at such meeting. Such appearance will not count toward calculation of the necessary members present to constitute a quorum. The Board may compel the attendance of an absent member by ordering the sheriff to take the member into custody.

XVI. PUBLIC HEARINGS

Public hearings required by law, or deemed advisable by the Board, shall be organized by a special order and 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 each speaker, etc. At the appointed time, the Chairman or his designee shall call the hearing to order and then preside over it. When the allotted time expires or no one who has not yet spoken wishes to do so the Chairman or his designee shall declare the hearing closed.

XVII. BROADCASTING AND RECORDING MEETINGS

- A. Any radio or television station is entitled to broadcast all or any part of an official meeting of the Board that is required to be open to the public. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.
- B. The Board reserves the right to designate where any and all broadcasting, photographing, filming and/or recording devices and operating personnel may be placed and/or displaced at any meeting required to be open.

XVIII. QUORUM AT PUBLIC HEARING

A quorum of the Board shall be required at all public hearings required by State law.

XIX. MINUTES

- A. Minutes shall be kept of all meetings of the Board (except workshops).
- B. Closed session minutes will be kept as required by law.

XX. APPOINTMENTS

The Board shall follow the Resolution on Boards and Commissions as adopted as procedure to make appointments to various subordinate boards and offices.

XXI. REFERENCE TO ROBERT'S RULES OF ORDER

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 for unresolved procedural questions.

XXII. DIRECTIONS TO STAFF

Except for the purpose of internal inquiry, the Board of County Commissioners and its members shall deal with that portion of the administrative service for which the County Manager is responsible through the County Manager and neither the Board of County Commissioners nor any member thereof shall give an order to any County employee in the administrative service of the County, other than the County Manager, relating to any matter in the line of his or her employment.

Adopted this ____ day of _____, ____.

ATTEST:

BOARD OF COMMISSIONERS
FOR THE COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
David Gantt, Chairman

APPROVED AS TO FORM:

County Attorney