



# **RULES OF PROCEDURE FOR TOWN OF CARRBORO BOARDS AND COMMISSIONS**

## **ADMINISTRATIVE POLICY**

*Adopted 11-21-2017, Amend. 9-13-2022*

**Purpose:** This policy for advisory boards/commissions (and for the Board of Adjustment to the extent not inconsistent with the Town’s Land Use Ordinance) (hereinafter “boards”) will provide efficient and equitable rules of procedures for all board members and staff liaisons to follow and provide general information and recommendations about how the boards conduct Town business. *(amend. 9-13-2022)*

This policy is not designed to create any additional rights or obligations, nor does it establish any procedural rights to any person that are not already provided for by law. The failure of any board member to adhere to the recommended procedures described herein shall not affect the validity of any meeting or action taken. To the extent there is conflict or any discrepancy between these procedures and the North Carolina General Statutes, case law, or Town ordinances (collectively “law”), the law shall prevail.

### **1. Role of Town Council Liaison**

The Town Council will appoint a Board liaison(s) to each board at the organizational meeting held each election year. These appointees will serve as the elected official point of contact for the board. Board liaisons are non-voting persons who serve chiefly to listen to conversation, to clarify as necessary matters of policy or process related to a particular issue, and to fairly recount Advisory Board conversation and intent as may be needed in subsequent Town Council discussions. Board liaisons are expected to limit their participation in Advisory Board debate and discussion so as to ensure the freest environmental for citizen input, participation, and leadership. Liaisons shall encourage productive discussion but leave meeting facilitation to Advisory Board chairs and staff. Board liaisons shall not call or cancel meetings, nor amend the agenda of an Advisory Board meeting.

### **2. Role of Staff Liaison**

Each department director will have the responsibility of designating a staff person from their department to serve as the staff liaison for each advisory board(s) managed by their department. Additional staff from that department may also provide support roles as deemed necessary by the department director. The staff liaison will be the primary contact for the advisory board members. The staff liaison is responsible for providing board-specific orientation to board members. While the staff liaison serves as staff support to the board it should be clearly noted that staff work is directed only by the department director or their supervisor. Staff liaisons should refer to their supervisor with any questions related to advisory board work. It is the responsibility of the staff liaison to develop agendas and guide the work of the advisory board, as directed by the Town Council.



### **3. Meeting Schedules**

Boards should adopt a yearly meeting schedule each year which takes into account Town-observed holidays and other frequently observed holidays and events. Once adopted, the meeting schedule is then posted in a public notice. Boards that meet on an as-needed basis only will provide appropriate public notice at least 96 hours (4 days) in advance of each meeting. Such notice will provide the date, time, location and purpose of the meeting. In addition, appropriate public notice, as required by law, will be given for any special meeting or work session that is not included on the regular meeting schedule.

### **4. Meeting Agenda**

The purpose of the agenda is to organize materials to be considered and to give members an opportunity to study the issues before the meeting.

Board agendas are prepared by the staff liaison based upon information received from the Town Council, department directors, staff, or items continued or approved to be on the agenda by consensus of a majority of board members during the previous meeting. Advisory board chairpersons may provide input during agenda preparation but are not required nor expected to approve agendas as provided by the staff liaison.

The staff liaison will ensure that the agenda, and all supplementary material, is available on the Town's website at least 96 hours (4 days) prior to the board meeting. No changes will be made to the agenda once it has been posted. However, the following changes may be made at the beginning of the meeting if agreed to by a majority of the members present: order, discussion of planning of events, announcements by members of the committee. Items that will require a vote and recommendation back to the Town Council may not be added to the agenda at the meeting. If the agenda is not posted prior to 96 hours of the meeting, the meeting will be cancelled, and items will be continued to the next properly posted meeting.

Items shall be placed on the agenda according to the order of business. The order of business for a regular meeting agenda follows. Agenda items may be considered in an order different from that shown on the agenda. In emergency situations, other items may be considered on the agenda.

- Call to Order: The presider (usually the chair) will always begin the meeting at the appointed time with a quorum present;
- Swearing in of witnesses, if required: A Town staff member who is a Notary Public may perform this duty in addition to other persons granted this authority by state law or other governing documents;
- Approval of previous meeting minutes: The board will adopt the minutes, as is, or with modifications by motion, second and vote of majority;
- Action and discussion items, reports, information items (including any public hearings);
- Old/New Business;
- Adjournment: The board shall adjourn meetings by motion in open session.

Some boards utilize committees to help carry out their business. The meetings of those committees



are recognized to be more informal than regular meetings, and the public notice may also serve as the agenda. Items may not be added to the agenda of a committee meeting.

### **7. Open Meetings Requirement**

Board members shall not deliberate, vote, or otherwise take action on any matter with the intention of making it impossible for persons attending a meeting of the board to understand what is being deliberated, voted, or acted on. Board members should strive to be clear about the matters they are considering and should refrain from referencing an item by letter, number, or other designation which might be conceived as a secret device or method. The board may deliberate, vote or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

### **8. Quorum**

Unless otherwise set forth in bylaws or other governing documents, a majority of the board, including the chair but excluding vacant seats, shall constitute a quorum. A majority is more than half of the board. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining a quorum.

### **9. Chair**

The chair shall have the following authority:

- To act as the parliamentarian during meetings of the board;
- To preside over public meetings of the board;
- To vote upon all measures before the board;
- To be counted for quorum purposes;
- To preserve order and decorum;
- To call a brief recess at any time;
- To adjourn in an emergency.

The chair may also:

- Rule motions in or out of order;
- Determine when a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- Answer questions of procedure.

The board may, at its discretion, elect from its membership a vice chair to serve in the chair's absence or in case of sickness of the chair or other causes which would prevent the chair from attending to his or her duties. The vice chair shall be entitled to vote on all matters and shall be considered a board member for all purposes, including the determination of whether a quorum is present.



If both the chair and vice chair are absent from a meeting, the board may elect from among its members a temporary chairperson to preside at the meeting.

The chair as the meeting presider shall follow the principles below, which were taken from “Robert’s Rules in Plain English”:

- “Be on time and start on time.”
- “Be organized. The presiding officer should have a detailed, well prepared agenda and stick to it.”
- “Be prepared. The presiding officer should be familiar with the procedural rules...”
- “Be a teacher. The presiding officer should keep the group working together by explaining procedure clearly and communicating the next order of business. If a motion is confusing, it is his [her] duty to clarify it. This may mean helping a member rephrase a motion.”
- “Be in control of the floor. The presiding officer should ‘assign’ the floor by recognizing those members who wish to speak by calling them by name. No other member may interrupt or call out remarks without being out of order. The presiding officer should remind such a member that the floor has been assigned and request that his [her] remarks be held until the floor has been assigned to him [her]. In addition, private discussion between members while another has the floor is out of order and disruptive members should be reminded of this rule.”
- “Be impartial. The presiding officer should impartially call on members wishing to speak. He [she] should give members on both sides of an issue an opportunity to speak...”
- “Be composed. The presiding officer should remain calm and objective, keeping the meeting moving.”
- “Be precise. The presiding officer should always restate the motion before taking a vote. After taking the vote, he [she] announces the result of the vote by interpreting the action taken. The presiding officer should always be certain about the results of a voice vote. He [she] may retake the vote by requesting a show of hands on his [her] own accord.”
- “Be focused. The presiding officer should not allow irrelevant discussion.
- Restate the question and, if necessary, directly request the member to
- ‘confine remarks to the pending question’.”
- “Be temperate. The presiding officer should use the gavel sparingly, tapping it once to open and close the meeting.”

#### **10. Action by boards**

Actions of the boards shall proceed by motion, unless agreed to proceed by unanimous consensus. Seconds are required to all motions. Only one motion at a time shall be allowed. Motions may be withdrawn at any time prior to a vote or in accordance with the law. Motions shall be adopted by a majority of the votes cast unless otherwise required by these rules or by the laws of North Carolina. A majority is defined as more than half of the board members present for the vote.



Every member of the board should actively participate in voting unless excused by the remaining members in accordance with state law. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. No member should be excused from voting except upon matters in which the member has a conflict of interest (as outlined in the North Carolina General Statutes and case law). In all other cases, a failure to vote by a member who is physically present in the meeting, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. However, board members are encouraged to make their voting positions clear by verbalizing their votes rather than allowing their silence to represent an affirmative vote. If a vote is unclear to the chair, then it will be up to the chair to call for a vote by hand.

## **11. Minutes**

Generally, the minutes of all boards are considered public records. The public records laws should be relied upon in determining when all records, including minutes, are deemed public records. The staff member that is designated as the secretary or liaison to the board shall be considered the custodian of the minutes and should treat such documents as public record laws require. The North Carolina Department of Cultural Resources should be referred to as a necessary guide in determining the status of all records.

Draft minutes posted in a meeting documents packet shall be watermarked "DRAFT". Once minutes are approved, they shall be posted in the appropriate section of the website module before the next meeting's documents are posted and sent out.

Minutes will be "summary minutes" and will not be verbatim. The law requires that all minutes be "full and accurate". The purpose of minutes is to provide a record of the actions taken by a board and not to provide a transcript of the discussions that occurred during the meeting. The minutes can also provide evidence on behalf of the board, that the board followed proper procedures in taking its actions. If no action is taken, the minutes may simply reflect that the meeting occurred, include the subject of the meeting and that no action occurred. It is not necessary to reflect the conversations and discussions of the board. The minutes should reflect motions made and seconds, identify the movants, dissenting votes, the general summary for the dissenting vote (or minority opinion), and the order in which the items before the board are addressed. All minutes shall be in written form. Minutes should contain enough information to act as an official record of the action taken, they should serve as a guide to staff and the Board in describing what action, if any, is recommended by the board, and they should be sufficient to be submitted as legal evidence as necessary. It is not necessary to record all discussions, particularly those discussions upon which no action is taken. Minutes shall include an accurate account of all guests that speak and a summary of what they spoke about.

Minutes for the Board of Adjustment should reflect in the record all findings pertaining to each hearing, every resolution acted upon by the board, and all votes of members of the board upon any resolution or upon the final determination of any question, indicating the names of members absent or failing to vote.



The following is an outline which may serve as a template for the boards in the preparation of meeting minutes.

- Name/identity of the board;
- Date, time and location of meeting;
- Time meeting called to order;
- Names of board members in attendance and those absent;
- Statement of whether or not there was a quorum present;
- Identification of subjects for consideration;
- Motions and seconds;
- Any conflicts of interest or abstainments from voting and votes thereon;
- Vote/Action taken by board;
- Dissenting opinion;
- Time meeting adjourned.

Each board shall vote to approve their minutes at their next meeting. Board members may suggest corrections to the minutes when they are in draft form. All board member suggested corrections should comply with this policy. Board members should not propose amendments to the minutes that conflict with this policy.

If audio recordings of board meetings are created, then the staff liaison shall maintain these audio recordings in accordance with the public records laws and Town policy.

## **12. Committees of the Boards**

The board may create committees to facilitate the efficiency and effectiveness of the board's business by researching, studying, and deliberating issues on behalf of, and at the direction of, the full board. Recommendation and reports of any committee will be made to the full board for discussion and/or recommendation.

Minutes of committee meetings shall comply with this policy.

Public notice of subcommittee meetings shall follow the agenda notice requirements of Section 4 of this policy.

## **13. Remote Participation by Board and Commission Members (amend. 9-13-2022)**

Some or all board and commission members shall be allowed to participate remotely at its meetings and fully participate in all discussions and votes on business of the body. Said members shall be counted toward a quorum.

For members of the Board of Adjustment, remote participation shall not include participating or voting in quasi-judicial hearings, nor shall quasi-judicial hearings be held without a quorum of the members present in person, except during a State-declared State of Emergency and pursuant to the provisions of G.S. § 166A-19.24.

This section does not limit the number of scheduled meetings that a board or commission member



may participate in remotely, nor does it limit the number of board or commission members who may participate remotely in a given meeting.

These meetings conducted remotely shall provide an opportunity for the public to participate and comment during the meeting by remote methods, including email, telephone, video, and/or other methods, to the extent practical.

#### **14. Meeting Recording**

All advisory board and commission meetings shall be audio recorded. The staff liaison shall be reasonable for maintaining the recordings in accordance with the NC Public Records laws.

Audio/video media do not have a permanent life space and it would be inconvenient and difficult to continually copy audio/video minutes to ensure their permanent status. Once official meeting minutes have been adopted, the minutes become the official permanent record of the meeting.

#### **15. Ethics**

Chapter 2, Appendix B of the Carrboro Town Code “The Code of Ethics for the Town of Carrboro Board of Alderman” shall also apply to all Town of Carrboro advisory board members. Section 3-42 of the Town Code shall also apply to all members.

#### **16. Coverage** *(Adopted 11-21-17, Amend. 9-13-2022)*

This policy shall be applicable to all appointed boards and committees until such time that the policy statement is altered, modified or rescinded.