

## **Rules of Procedure for the Village Council, Village of Wesley Chapel**

### **Rule 1. Applicability of Rules**

These rules apply to all meetings of the Wesley Chapel Village Council. For purposes of these rules, a meeting of the council occurs whenever a majority of the council's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the council's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

### **Rule 2. Electronic Meetings and Remote Participation in Council Meetings.**

(Revised 07.13.2020)

Electronic meetings may be held per NCGS 166A-19.24 in the event of a state-declared state of emergency and all meetings must comply with the statute. During a state of emergency, for each meeting the Mayor or Mayor Pro Tem shall decide whether the meeting will be held in person or via electronic means. Council will also ensure all in person meetings during a state of emergency are held in a manner consistent with the state of emergency order. Council will ensure all open meeting requirements are met when meetings are held electronically.

Except for electronic meetings authorized under NCGS 166A-19.24 any member of Council attending a meeting remotely will not be counted toward a quorum nor vote on any matter before the Council but will be allowed to participate in debate.

### **Rule 3. Meetings to Be Open to the Public**

Except as permitted by Rule 30, all meetings of the council shall be open to the public, and any person may attend its meetings.

### **Rule 4. Broadcasting and Recording Meetings**

- A.** Any person may photograph, film, tape-record, or otherwise reproduce any part of a council meeting that must take place in open session. Except as provided in item C of this rule, any radio or television station may broadcast any such part of a council meeting.
- B.** Any radio or television station that plans to broadcast any portion of a council meeting shall so notify the village clerk no later than 24 hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a council meeting.
- C.** The village administrator may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a council meeting, so long as

he or she allows the equipment to be placed where it can carry out its intended function. If the village administrator determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the village administrator may require the pooling of the equipment and the personnel operating it.

- D.** If the news media request an alternative meeting site to accommodate news coverage, and the council grants the request, the news media making the request shall pay the costs incurred by the village in securing an alternative meeting site.

### **Rule 5. Regular Meetings**

The council shall hold a regular meeting on the second Monday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day, unless the Council votes to change the meeting to another time. The meeting shall be held at the Wesley Chapel Town Hall and shall begin at 7:00 p.m. The council shall adopt a meeting schedule each year consistent with this rule. A copy of the council's current meeting schedule shall be filed with the village clerk, and posted on the village's website. The amended schedule shall be filed with the village clerk at least seven (7) calendar days before the day of the first meeting held pursuant to the revised schedule and posted to the village's website.

### **Rule 6. Special, Emergency, and Recessed (or Adjourned) Meetings**

- A. Special Meetings.** The mayor, the mayor pro tempore, or any two members of the council may at any time call a special council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. A special meeting may also be called or scheduled by vote of the council in open session during a regular meeting or another duly called special meeting.

At least forty-eight hours before a special meeting, notice of the date, time, place, and purpose of the meeting shall be (1) e-mailed to the mayor and each council member or left at his or her usual dwelling place; (2) posted on the council's principal bulletin board, or if none, at the door of the council's usual meeting room; (3) mailed or delivered or e-mailed to each newspaper, person or organization who has filed a written request or signed up for notice with the village clerk, and (4) posted on the Village website in advance of the meeting. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice. Even in such a case, the council shall only discuss or transact items of business not specified in the notice if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

Special meetings shall be encouraged to be scheduled so that it is most convenient for

citizens to attend, generally on weekday evenings at 7 pm.

**B. Emergency Meetings.** Emergency meetings of the village council may be called only because of generally unexpected circumstances that require immediate consideration by the council. Only business connected with the emergency may be considered at an emergency meeting. One of the following two procedures must be followed to call an emergency meeting of the council.

(1) The mayor, the mayor pro tempore, or any two members of the council may at any time call an emergency council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each council member by e-mail or by telephone or left at his or her usual dwelling place at least six hours before the meeting.

(2) An emergency meeting may be held at any time when the mayor and all members of the council are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the council complies with the notice provisions of the next paragraph.

Notice of an emergency meeting under (1) or (2) shall be delivered to the mayor and each council member by email or telephone or left at his or her usual dwelling place at least six hours before the meeting, and given to each local newspaper, local wire service, local radio station, and local television station that has signed up for e-mail emergency meeting notice request, with the village clerk, and shall be given immediately after notice has been given to those members.

**C. Recessed Meetings.** A properly called regular, special, or emergency meeting may be recessed to a time, date and place certain by a procedural motion made and adopted as provided in Rule 24, Motion 3, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed session of a properly called regular, special, or emergency meeting.

## **Rule 7. Organizational Meeting**

On the first Monday in December following a general election in which council members are elected, the newly elected members shall take and subscribe the oath of office as the first order of business. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes. The oath of office shall be as set out in Article VI, Section 7 of the North Carolina Constitution. Each oath must be filed with the village clerk. Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe, and file the oath before he or she begins performing any of the duties of the member's office.

As the second order of business, the council shall select from among its members a mayor pro tempore using the procedures specified in Rule 35. The mayor pro tempore shall serve at the council's pleasure.

### **Rule 8. Agenda**

**A. Proposed Agenda.** The village clerk and mayor shall prepare a draft agenda for each meeting. A request to have an item of business placed on the agenda must be received at least seven full business days before the day of the meeting. Any council member or committee chair may, by a timely request, have an item placed on the draft agenda. A copy of all proposed ordinances or ordinance amendment shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is submitted and feasible to reproduce. Each council member shall receive a hard or electronic copy of the draft agenda and the agenda package and these shall be available for public inspection and distribution or copying when these are distributed to the council members. The agenda shall wherever possible contain dollar amounts and wording to make the subject matter to be discussed transparent to the public.

**B. Policy for Allowing Inclusion of Final Subdivision Plat on the Council's Agenda.** Prior to the Clerk of the Council of the Village of Wesley Chapel placing a final plat on the Council's agenda, all requirements as set forth in the Subdivision Ordinance for final plats shall be met.

At least seven business days prior to the Council's meeting, in which the final plat is to be considered, the Subdivision Administrator shall submit copies of the required documentation to the Village Clerk which shall be included in the agenda package for Council.

Copies of the required approval letters from agencies reviewing the final plat, including all letters of approval from the Village's consulting engineer shall be submitted with the package to the Council along with the Letter of Credit or Surety Bond; as well as construction estimates and letter of approval of the construction estimates from the Village's consulting engineer, and evidence of dedication of land or payment of the fee required in Lieu of Dedication. If said evidence or payment has not been received by the Village for inclusion with the final plat information packet, a letter of confirmation or commitment from the developer or appropriate financial institution shall be included and will be considered sufficient for review.

**C. Adoption of the Agenda.** As its third order of business at each meeting, the council shall, as specified in Rule 10, review the draft agenda, make whatever revisions it deems appropriate, and adopt a formal agenda for the meeting by majority vote. If items are proposed to be added to the agenda of a meeting, the council may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all council members

The council may by majority vote add items to or subtract items from the proposed agenda, except that (a) the council may not subtract items from the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless those calling the meeting consent to the deletion, (b) the council may not add items to the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless all members are present, or those who are absent sign a written waiver of notice, and (c) only business connected with the emergency may be considered at an emergency meeting. The council may add items to the proposed agenda of a special meeting only if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

The council may designate certain agenda items “for discussion and possible action.” Such designation means that the council intends to discuss the general subject area of that agenda item and may, if it so chooses, take action on the item following the discussion.

- D. Consent Agenda.** The council may designate a part of the agenda as the “consent agenda.” Items shall be placed on the consent agenda by those preparing the draft agenda if they are judged to be noncontroversial and routine. Any member may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.
- E. Informal Discussion of Agenda Items.** The council may informally discuss an agenda item even when no motion regarding that item is pending.
- F. Acting by Reference to Agenda or Other Document.** The council shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document with the intention of making it impossible for persons attending a meeting of the council to understand what is being deliberated, voted, or acted on. The council may, however, 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.

## **Rule 9. Public Address to the Council**

Any individual or group who wishes to address the council at a regular meeting shall submit a request in writing to be on the agenda to the village clerk by the deadline in Rule 8(a). However, the council shall determine at the meeting whether it will hear the individual or group.

## **Rule 10. Order of Business and Code of Conduct**

**A.** Items shall be placed on the agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

- Public comment
- Adoption of an agenda
- Approval of consent agenda, including minute of previous meeting
- Reports from Committees and Deputy
- Public hearings
- Old business
- New business
- Council Comments

Without objection, the mayor may call agenda items in any order most convenient for the dispatch of business.

**B.** The mayor, council members, boards and any committee members shall conduct themselves professionally at all times, treating the public, staff and each other with respect and dignity. If a speaker has gone beyond reasonable standards of courtesy in his or her remarks, as determined by the presiding officer of the meeting, or by objection or motion of another member of the council, board or committee, the presiding officer will immediately request the speaker adjust any additional remarks accordingly.

## **Rule 11. Office of Mayor**

The mayor shall preside at all meetings of the council when present but shall have the right to vote only when there is a tie. In order to address the council, a member must be recognized by the mayor, except for an appeal pursuant to Rule 24, Motion 1. The mayor or other presiding officer, if the Mayor is absent, shall have the following powers:

- (a) To rule motions in or out of order, including any motion clearly offered for obstructive or dilatory purposes;
- (b) To determine whether 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;
- (c) To entertain and answer questions of parliamentary law or procedure;
- (d) To call a brief recess at any time;
- (e) To adjourn in an emergency.

A member may appeal a decision made or answer given by the presiding officer, pursuant to Rule 24, Motion 1. Such a motion is in order immediately after a decision under (a), (b), or (c) is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.

## **Rule 12. Office of Mayor Pro Tempore**

A council member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a council member for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the council may confer on the mayor pro tempore any of the mayor's powers and duties. Even when presiding over a council meeting, the mayor pro tempore has the same duty as other members to vote on all questions unless he or she has been excused from voting on a matter in accordance with Rule 23. If the mayor should become physically or mentally unable to perform the duties of his or her office, the council may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When a mayor declares that he or she is no longer incapacitated, and a majority of the council concurs, the mayor shall resume the exercise of his or her powers and duties.

### **Rule 12A. Other Presiding Officer.**

If both the mayor and mayor pro tempore are absent from a meeting, the council may elect from among its members a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the powers listed in Rule 11 (a) to (e). Service as a temporary presiding officer does not relieve a member of the duty to vote on all questions unless excused from voting pursuant to Rule 23.

### **Rule 13. When the Presiding Officer Is in Active Debate**

If the mayor or other presiding officer becomes actively engaged in debate on a particular proposal, he or she may designate another council member to preside over the debate. The mayor or other presiding officer shall resume presiding as soon as action on the matter is concluded.

### **Rule 14. Action by the Council**

The council shall proceed by motion, except as otherwise provided for in these rules. Any member may make a motion, not including the mayor. No motions may be made during the Council Comments section of the meeting.

### **Rule 15. Second Required**

A motion shall require a second.

### **Rule 16. One Motion at a Time**

A member may make only one motion at a time.

### **Rule 17. Substantive Motions**

A substantive motion is not in order if made while another motion is pending. Once the council disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 24, Motion 14.

### **Rule 18. Adoption by Majority Vote**

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or the laws of North Carolina.

### **Rule 19. Changing a Vote**

A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change his or her vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

### **Rule 20. Voting by Written Ballot**

The council may not vote by secret ballot. The council may decide by majority vote or unanimous consent to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the council shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the village clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

### **Rule 21. Debate**

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the following general principles:

- (a) The maker of 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 proponents and opponents of the measure.

### **Rule 22. Ratification of Actions**

To the extent permitted by law, the council may ratify actions taken on its behalf but

without its prior approval. A motion to ratify is a substantive motion.

### **Rule 23. Duty to Vote**

- A. Grounds for Excusal.** Every member must vote unless excused from voting as provided by this rule. A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not if the proposal in question is one to alter the compensation or allowances paid to council members. Members may also be excused from voting when prohibited from voting under G.S. 14-234 (contract providing direct benefit to member), G.S. 160A-381(d) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member), or G.S. 160A-388(e) (2) (member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker).
- B. Procedure for Excusal.**
- a. Upon being recognized at a duly called meeting of the council, a member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.
  - b. Even when a member has not asked to be excused from voting on a matter, a majority of the remaining council members present may by motion and vote excuse the member from voting if grounds for doing so exist under subsection a.
- C. Consequence of Non-Excused Failure to Vote.** Except as specified in subsection D, if a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote, provided (1) the member is physically present in the council chamber or (2) the member has physically withdrawn from the meeting without being excused by majority vote of the remaining members present..
- D. Failure to Vote on Certain Zoning Matters.** A member's unexcused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement, or repeal a zoning ordinance. Instead, the member's unexcused failure to vote shall be recorded as an abstention.

### **Rule 24. Procedural Motions.**

- A. Certain Motions Allowed.** The council may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated, and amended, and requires a majority of the votes cast, a quorum being present, for adoption.
- B. Order of Priority of Motions.** The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that: any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 12, and a

motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 9. The procedural motions are:

**Motion 1. To Appeal a Ruling of the Presiding Officer.** Any member may appeal the presiding officer's ruling on whether a motion is in order or whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

**Motion 2. To Adjourn.** This motion may be used to close a meeting. It is not in order if the council is in closed session.

**Motion 3. To Recess to a Time and Place Certain** This motion may be used to call a recessed meeting as permitted under Rule 6(c). The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the council is in closed session.

**Motion 4. To Take a Brief Recess.**

**Motion 5. To Follow the Agenda.** The motion must be made at the time an item of business that deviates from the agenda is proposed; otherwise the motion is out of order as to that item.

**Motion 6. To Suspend the Rules.** The council may not suspend provisions of the rules that are required by state law. For adoption, the motion requires affirmative votes equal to two-thirds of the actual membership of the council, excluding the mayor, and vacant seats.

**Motion 7. To Divide a Complex Motion.** The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.

**Motion 8. To Defer Consideration.** The council may defer a substantive motion and any amendments thereto, for later consideration at an unspecified time. A motion that has been deferred expires unless the council votes to revive it pursuant to Motion 13 within 100 days of deferral. A new motion with the same effect as a deferred motion cannot be introduced until the deferred motion has expired.

**Motion 9. Motion to End Debate (Call for the Previous Question).** If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. The motion is not in order until every member has had an

opportunity to speak once on the pending motion.

**Motion 10. To Postpone to a Certain Time.** This motion may be employed to delay the council's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the council may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

**Motion 11. To Refer a Motion to a Committee.** The council may vote to refer a substantive motion to a committee for its study and recommendations. While the substantive motion is pending before the committee, the council may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the committee fails to report on the motion within sixty days of the referral date, the council may take up the motion if asked to do so by the member who introduced it.

**Motion 12. To Amend.**

(a) **Germaneness.** An amendment to a motion must concern the same subject matter as the motion it seeks to alter.

(b) **Limit on Number of Motions to Amend.** When a motion to amend is under consideration, a motion to amend the amendment may be made; however no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

(c) **Amendments to Ordinances.** Any amendment to a proposed ordinance shall be reduced to writing before the vote on the amendment.

**Motion 13. To Revive Consideration.** The council may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 8, provided it does so within 100 days of its vote to defer consideration.

**Motion 14. To Reconsider.** The council may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting during which the action to be reconsidered was taken and (b) by a member who voted with the prevailing side. For purposes of this motion, "the same meeting" includes any continuation of a meeting through a motion to recess to a time and place certain. The motion is not in order if it interrupts the council's deliberation on a pending matter.

**Motion 15. To Rescind.** The council may vote to rescind an action it has taken at a prior meeting provided rescission is not forbidden by law.

**Motion 16. To Prevent Reintroduction for Six Months.** The motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion's defeat. To be adopted, this motion must receive votes equal to two-thirds of the actual membership of the council excluding the mayor and vacant seats. If adopted, the

ban on reintroduction remains in effect for six months or until the next organizational meeting of the council, whichever occurs first.

**Motion 17. Renewal of Motion.** A motion that is defeated may be renewed at any later meeting unless a motion to prevent reintroduction has been adopted.

**Motion 18. Withdrawal of Motion.** A motion may be withdrawn by the introducer unless the motion has been amended or the presiding officer has put the motion to a vote.

### **Rule 25. Introduction of Ordinances**

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the council.

### **Rule 26. Adoption, Amendment, and Repeal of Ordinances**

- A. Adoption on date of introduction.** To be approved on the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least two-thirds of the council's actual membership, excluding vacant seats and not counting the mayor, unless the mayor has the right to vote on all questions before the council.
- B. Adoption after date of introduction.** To be approved after the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least a majority of all council members not excused from voting on the matter. In calculating the number of affirmative votes necessary for approval, the mayor's vote counts if there is an equal division.
- C.** No ordinance shall be adopted unless it has been reduced to writing and distributed to members before a vote on adoption is taken.
- D. Amendment and Repeal of Ordinances.** The same voting requirements that govern the adoption of proposed ordinances also apply to the amendment or repeal of an ordinance.

### **Rule 27. Adoption of the Budget Ordinance**

Notwithstanding the provisions of any village charter, general law, or local act:

- (1) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the council 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 council; and

- (3) 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 village charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to the council and ending with the adoption of the budget ordinance, the council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each member of the board has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule shall not be construed to allow the holding of closed meetings other than the grounds set out in Rule 30.

**Rule 28. Approval of Contracts and Authorization of Expenditures.**

- A. No contract shall be approved or ratified by the council unless it has been reduced to writing at the time of the council's vote.
- B. To be approved or ratified, a contract must receive affirmative votes equal to at least a majority of all council members not excused from voting on the contract, including the mayor's vote in the event of a tie.
- C. The same vote necessary to approve or ratify a contract is required for the council to authorize the expenditure of public funds, except when the expenditure is authorized pursuant to Rule 27.

**Rule 29. Special Rules of Procedure**

These rules supersede any other rule or rules of procedure previous adopted by act of the village council and all such previously adopted rules are null and void.

**Rule 30. Closed Sessions**

- A. **To Go into Closed Session.** The council may go into closed session from which the public is excluded only upon a motion duly made and adopted in open session. The motion must cite one or more of the permissible bases listed in G.S. 143-318.11(a), as follows:
  - a. To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or of the United States or that does not constitute a public record within the meaning of Chapter 132 of the General Statutes. The motion to enter closed session must name or cite the law that renders the information confidential or privileged.
  - b. To consult with the village attorney or another attorney employed or retained by the village in order to preserve the attorney-client privilege. If the council

expects to discuss a pending lawsuit with its attorney, the motion to enter closed session must include the names of the parties to the lawsuit.

- c. To discuss matters relating to (a) the location or expansion of industries or other businesses in the area served by the city or (b) the closure or realignment of a military installation. The council may reach agreement in closed session on a tentative list of economic development incentives to be offered in negotiations, but the approval of the signing of any economic development contract or commitment and the authorization of the payment of economic development expenditures must take place in open session.
- d. To establish or instruct staff or agents concerning the city's position in negotiating the price or other material terms of an agreement for the acquisition of real property by purchase, exchange, or lease.
- e. To establish or instruct staff or agents concerning the amount of compensation or other material terms of an employment contract.
- f. To consider the qualifications, competence, performance, character, fitness, or conditions of appointment or employment of a public officer or employee or prospective public officer or employee, except when the individual in question is a member of the city council or other public body or is being considered to fill a vacancy on the city council or other public body. Final action to appoint or employ a public officer or employee must take place in open session.
- g. To hear or investigate a charge or complaint by or against a public officer or employee. Final action discharging an employee or removing an officer must occur in open session.
- h. To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- i. To view a law enforcement recording released pursuant to GS 132-1.4A.
- j. On any other basis permitted by law.

Unless the council directs otherwise, the village administrator, village attorney, and village clerk may attend closed sessions of the council. No other person may attend a closed session unless invited by majority vote of the council.

Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session. Any other actions resulting from a closed session will be made immediately after that closed session.

**B. To Leave Closed Session.** Upon completing its closed session business, the council shall end the closed session by adopting a duly made motion to return to open session.

### **Rule 31. Quorum**

The presence of a quorum is necessary for the council to conduct business. A majority of the actual membership of the council plus the mayor, excluding vacant seats, shall constitute a quorum. A majority is more than half. A member who withdraws from a meeting without being excused by majority vote of the remaining members in attendance

is deemed present for quorum purposes.

### **Rule 32. Public Hearings and Comment Periods**

- A. Calling Public Hearings.** In addition to holding public hearings required by law, the council may hold any public hearings it deems advisable. The council may schedule hearings or delegate that responsibility to village staff members, as appropriate, except when state law directs the council itself to call the hearing. If the council delegates scheduling authority, it must provide adequate guidance to assist staff members in exercising that authority.
- B. Public Hearing Locations.** Public hearings may be held anywhere within the village or within the county where the village is located.
- C. Rules for Public Hearings.** The council may adopt reasonable rules for public hearings that, among other things: (a) fix the maximum time allotted to each speaker; (b) provide for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) provide for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and (d) provide for the maintenance of order and decorum in the conduct of the hearing.
- D. Notice of Public Hearings.** Any public hearing at which a majority of the council is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 5 through 7, apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with notice of the meeting during which the hearing will take place.
- E. Continuing Public Hearings.** The council may continue any public hearing without further advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (g), if a quorum of the council is not present for a properly scheduled public hearing, the hearing must be continued until the council's next regular meeting without further advertisement.
- F. Conduct of Public Hearings.** At the time appointed for the hearing, the mayor shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the council for the hearing. Unless the council extends the hearing, when the allotted time expires or when no one wishes to speak that has not done so, the mayor shall declare the hearing ended, and the council shall resume the regular order of business.

**G. Public Hearings by Less Than a Majority of Council Members.** Nothing in this rule prevents the council from appointing a member or members to hold a shall be public hearings on the council's behalf, except when state law requires that the council itself conduct the hearing,

### **Rule 33. Public Comment Periods.**

**A. Frequency of Public Comment Periods.** The council must provide at least one opportunity for public comment each month at a regular meeting, except that the council need not offer a public comment period during any month in which it does not hold a regular meeting.

**B. Rules for Public Comment Periods.** The council may adopt reasonable rules for public comment periods that, among other things: fix the maximum time allotted to each speaker; provide for the designation of spokespersons for groups supporting or opposing the same positions; provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the public comment period exceeds the capacity of the hall (so long as arrangements are made for those excluded from the hall to listen to the hearing); and provide for the maintenance of order and decorum in the conduct of the hearing.

**C. Content-Based Restrictions Generally Prohibited.** The council may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the council's real or apparent jurisdiction.

### **Rule 34. Minutes**

Full and accurate minutes of the council proceedings, including closed sessions, shall be kept. To be "full and accurate," minutes must record all actions taken by the council. The board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and make it possible to determine the number of votes cast for and against each motion. At the request of any member of the council, the minutes shall list each member by name and record how each member voted on a particular matter. The minutes need not record discussions of the council, though the council in its discretion may decide to incorporate such details into the minutes.

In addition to minutes, the council must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The council may combine the

minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.

Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the council or, if the council delegates the authority to unseal to one or more staff members, in accordance with guidelines adopted by the council. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

### **Rule 35. Appointments**

- A. Appointments in Open Session.** The council may consider and make appointments to other bodies, or in the event of a vacancy on the council, to its own membership in open session. Council shall appoint a Planning Board member to serve as Chairman of Planning Board for a one year term at the June Council meeting.
- B. Nomination and Voting Procedure.** The council shall use the following procedure to make appointments to fill a vacancy in the council itself or in any other body over which it has the power of appointment, including Planning Board and Board of Adjustment. Any interested applicants shall file an application with the clerk expressing interest in serving the Village in whatever capacity so desired by the applicant. Applications shall be kept on file for a period of one year. The clerk shall advise any applicants concerning future vacancies and openings and shall advise the applicant when the council shall consider this. The mayor shall open the floor for nominations, whereupon council members may put forward and debate nominees. When debate ends, the mayor shall call the roll of the members, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast.
- C. Mayor.** The mayor may not make nominations but may vote on appointments under this rule in the case of a tie.
- D. Multiple Appointments.** If the council is filling more than one vacancy, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No member may cast more than one vote for the same candidate for the same vacancy during a single balloting.
- E. Duty to Vote.** It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so shall not invalidate a member's ballot.
- F. Vote by Written Ballot.** The council may vote on proposed appointments by written ballot in accordance with Rule 20.

## **Rule 36. Committees and Boards**

**A. Establishment and Appointment.** The council may establish temporary and standing committees, boards, and other bodies to help carry on the work of village government. Unless otherwise provided in the law or the council, the power of appointment to such bodies lies with the mayor. Refer to General Policy and Procedures for Committees.

**B. Open Meetings Law.** The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the village's professional staff. Refer to General Policy and Procedures for Committees.

**C. Procedural Rules (Management of Committees).** The Village Council is responsible for the management of all ad hoc and standing committees. Council shall determine the term length of standing committees. Council shall use the following policies and procedures regarding management and performance of committees: (These policies and procedures do not apply to Planning Board or Board of Adjustment.)

1. Any resident of Wesley Chapel is eligible to serve on appointed committees. No person may be appointed, serve or in any way be associated with any committee if that person has unpaid financial obligations to the Village. Such obligations include past due taxes, Village ABC licenses, or other fees more than 60 days in arrears and any unpaid obligations to any agency of the Village, unless such obligations are under contestation. A person becomes eligible to serve once the Village Finance Officer or Village Clerk certifies that all financial obligations to the Village of Wesley Chapel have been satisfied. The Mayor makes all appointments to committees.

2. Appointees must uphold Village policies pertaining to the committee on which he/she serves.

3. Committee members must notify chairman in advance when he or she will be absent. Whenever any committee member incurs three unexcused absences, said member's failure to attend shall be reported by the presiding officer of the respective committee to the Village Council. Such unexcused absences may, by discussion of the committee and at the election of the chairman of the committee be deemed to constitute resignation on the part of the member, from such committee. Excused absences are defined as absences caused by events beyond one's control.

4. Upon resignation and acceptance, the vacancy shall be advertised. The Mayor can consider a replacement from the applications of persons who applied for the original vacancy on such committee.

5. All committee members will abide by the Wesley Chapel Ethics Policy. In the event an issue comes before a committee and a member of that committee has a financial, personal, or employment related interest in the outcome of the issue, that member should notify his/her fellow members that he/she has a potential conflict of interest and request that he/she be excused from voting.
6. Each committee shall turn in to the Village Council for approval, a budget for their projected initiatives. Budgets shall be kept on file by the Village Clerk and all committee financial activity shall be reported by the Village Finance Officer included in the monthly financial reports submitted to council. Request and approval for funds shall be submitted to Council based on budget cycle. Any expenditures within the approved budget must be approved by the Council liaison to that committee and be submitted to the Finance Officer for payment. Expenditures must follow the guidelines of the current Purchasing Policy. All unbudgeted expenses (with no prior discussion or beyond budget allocation) must be presented to Council before payment will be considered. Committees are not empowered to contractually obligate the Village financially, unless empowered by Council.
7. The Village Clerk will establish and maintain, updating as needed, a list of all committees to Mayor and Council Members with following data provided:
  - a. Name of committee
  - b. Brief function of each committee
  - c. Motion or statute creating commission
  - d. Number of members and terms of office
  - e. Current members, addresses, email addresses, phone numbers, terms of office, numbers of terms served, and term expiration dates
  - f. Regular meeting day, time and location
8. All applications received shall be retained for at least one (1) year.
9. All committees serve at the pleasure of Council.
10. Council members may not serve as a member of a committee or board.
11. Committee Responsibilities:
  - a. Elect chairperson and secretary for a term of up to three years.
  - b. Committees appointed for a specific purpose or to complete a specific task or project should not deal with matters outside of that specific charge.
  - c. Committees shall have a council liaison.
  - d. Committee conducts regularly scheduled meetings, open to the public, with actions recorded and notes taken.
  - e. Committee must submit to the Village Clerk approved written meeting minutes on a timely basis. Village Clerk to distribute minutes to Council.

f. Committees may make presentations to Council at Village meetings, as requested by Council.

g. It is the responsibility of the Council Liaison to ensure committee member decorum.

### **Rule 37. Amendment of the Rules**

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the village charter, general law, and generally accepted principles of parliamentary procedure. Adoption of an amendment to these rules shall require an affirmative vote equal to or greater than two-thirds of all the actual membership of the council, excluding vacant seats.

### **Rule 38. Reference to Robert's Rules of Order Newly Revised**

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the council shall refer to *Robert's Rules of Order Newly Revised*, to answer unresolved procedural questions. Having consulted *Robert's*, the mayor shall make a ruling on the issue subject to appeal to the council under Rule 24, Motion 1.

### **Appendix. Order of Precedence for Procedural Motions**

<b>Motion</b>	<b>Vote Required</b>	<b>Notes</b>
1. To appeal a procedural ruling of the presiding officer	Majority	This motion is in order immediately after the ruling being appealed and at no other time. The member making the motion need not be recognized, and, if timely, the motion may not be ruled out of order.
2. To adjourn	Majority	None
3. To recess to a time and place certain	Majority	This motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume.
4. To take a brief recess	Majority	The presiding officer may call a brief recess at any time on his or her own authority.
5. To follow the agenda	Majority	This motion must be made when an item of business that deviates from the agenda is proposed or it is out of order as to that item.
6. To suspend the rules	Two-thirds	The council may not suspend provisions that incorporate state law.
7. To divide a complex motion	Majority	None.

8. To defer consideration	Majority	This motion is a hybrid of the traditional motion to postpone indefinitely and the motion to lay on the table. A substantive motion that is deferred expires 100 days after the deferral date unless a timely motion to revive consideration (Motion 13) is adopted. While a deferred motion remains pending, a new motion with the same effect may not be introduced unless the council first votes to suspend its rules (Motion 6).
9. To end debate ("call the previous question")	Majority	Any substantive or procedural motion is potentially subject to a motion to end debate. A motion to end debate on a pending motion is not in order until every member has had a chance to speak once.
10. To postpone to a certain time	Majority	This motion may be used to delay consideration of a substantive motion until a designated day, meeting, or hour. While a postponed motion remains pending, a new motion with the same effect may not be introduced unless the council first votes to suspend its rules (Motion 6).
11. To refer a motion to a committee	Majority	If the committee fails to report on the motion within 60 days, the council must take up the referred motion again at the request of the member who introduced it. During the referral period, a substantive motion with the same effect may not be introduced unless the council first votes to suspend its rules (Motion 6).
12. To amend	Majority	Any substantive or procedural motion other than a motion to appeal (Motion 1) may be amended. A motion to amend must concern the same subject matter as the motion that it seeks to alter. No more than one motion to amend and one motion to amend the amendment may be pending at the same time. Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.

13.To revive consideration	Majority	This motion is in order within 100 days of the vote to defer consideration (Motion 8).
14.To reconsider	Majority	To be in order, this motion must be made by a member of the prevailing side at the same meeting during which the original vote was taken. The motion may not interrupt deliberation on a pending matter.
15.To rescind	Majority	This motion is not in order if rescission is forbidden by law.
16.To prevent reintroduction	Two-thirds	This motion is in order immediately following the defeat of a substantive motion and at no other time. If adopted, it bars the reintroduction of the failed substantive motion for six months or until the council's next organizational meeting, whichever comes first. If the council wishes to take up the substantive motion during the period in which reintroduction is forbidden, it must first vote to suspend its rules (Motion 6.)

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Under these rules all procedural motions are debatable, and none requires a second.

The term "majority" means more than half of votes cast, a quorum being present. The term "two-thirds" refers to two-thirds of the council's actual membership, excluding vacant seats and not counting the mayor unless he or she may vote on all questions.