

A G E N D A
Perquimans County Board of Commissioners
REGULAR WORK SESSION
Meeting Room – Perquimans County Library
August 15, 2022
7:00 p.m.

- I. Call to Order**
- II. Prayer & Pledge**
- III. Work Session**
 - A. Marine Park Memorandum of Understanding
 - B. Requests from Beverly Gregory, Senior Citizens Coordinator
 - C. Rules of Procedure
 - D.
 - E.
 - F.
- IV. Adjournment**

COUNTY MANAGER NOTES
Perquimans County Board of Commissioners
REGULAR WORK SESSION
Meeting Room – Perquimans County Library
August 15, 2022
7:00 p.m.

- III.A. **Enclosure:** The Board will review and discuss the Marine Park Memorandum of Understanding between Perquimans County and the North Carolina Marine Industrial Park Authority.
- III.B. At the Board's August 1, 2022 meeting, Beverly Gregory, Senior Citizens Coordinator, requested that the Board discuss the following matters: (1) changing the age limit from 55+ to 50+; and (2) changing the name, Senior Citizens. Board recommendations will need to be made for action at their September meeting.
- III.C. **Enclosure.** The Board will review the Board Rules of Procedures that we currently have on file and the proposed recommendations to improve them. A copy of the current Board Rules & Procedures along with the proposed Board Rules of Procedures is enclosed for your review.

Memorandum of Understanding

The parties to this Memorandum of Understanding (“MOU”) are Perquimans County, a body politic of the State of North Carolina (“Perquimans County”) and the North Carolina Marine Industrial Park Authority (“NCMIPA”). As listed in General Statute § 113-315.28 (3), one of the purposes of the NCMIPA is to foster and stimulate the growth of marine-related industries in the State of North Carolina. The purpose of this MOU is to establish a partnership in ensuring the growth and success of the Perquimans Marine Industrial Park (“PMIP”).

Under this MOU, NCMIPA would agree to:

- 1) Advise, as needed and requested, Perquimans County officials and staff on the general design and construction of the PMIP basin.
- 2) Advise, as needed and requested, Perquimans County officials and staff on general management strategies for the PMIP, including but not limited to the rental/sale rate structure, restrictive covenants, parcel layouts, parking, shared basin access, and parcel and basin maintenance.
- 3) Participate directly, in cooperation with Perquimans County officials and staff, on marketing efforts to promote the development, occupancy and growth of the PMIP. Marketing efforts may include, but are not limited to, the design of ads, pursuing clients, assisting in visits by companies and attending trade shows if necessary.

Under this MOU, Perquimans County would agree to;

- 1) Reimburse the NCMIPA for any costs associated with efforts in marketing the PMIP, including mileage costs for the Director of the NCMIPA.

PERQUIMANS COUNTY

Name (Printed): _____

Title: _____

Signature: _____

Date: _____

NC MARINE INDUSTRIAL

PARK AUTHORITY

Name (Printed): _____

Title: _____

Signature: _____

Date: _____

RULES OF PROCEDURE FOR THE PERQUIMANS COUNTY BOARD OF COMMISSIONERS

I. APPLICABILITY

Rule 1. Applicability of Rules

These rules apply to all meetings of the Board of Commissioners of Perquimans County at which the board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law. They are intended to be consistent with all North Carolina law. Any rules that are mandated by law cannot be suspended by vote of the board. If a conflict or inconsistency arises between these rules and the law of the State of North Carolina then the North Carolina law shall control.

II. OPEN MEETINGS

Rule 2. Meetings to be open.

- (a) The public policy of North Carolina and of Perquimans County is that the hearings, deliberations, and actions of this board and its committees be conducted openly.
- (b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Perquimans County Board of Commissioners shall be open to the public, and any person may attend.
- (c) For the purposes of the provisions of these rules concerning open meetings, an official meeting of the board is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the board.

Rule 3. Closed Sessions

- (a) Notwithstanding the provisions of Rule 2, the Board may hold a closed session and exclude the public, but only upon the following circumstances:
 - (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this state or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes (N.C.G.S.143-318.11(a) (1)).
 - (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award (N.C.G.S. 143-318.11(a) (2)).
 - (3) To consult with an attorney employed or retained by the Board of Commissioners in order to preserve the attorney-client privilege between the attorney and the Board of Commissioners. (N.C. Gen Stat 143-318.11(a) (3)).

- (4) To discuss matters relating to the location or expansion of industries or other businesses in the county. (N.C. Gen Stat 143-318.11(a) (4)).
 - (5) To consider and take action with respect to the position to be taken by the county in negotiating the price or other material terms of an agreement for the acquisition or lease of real property. (N.C. Gen Stat 143-318.11(a) (5)).
 - (6) To consider and take action with respect to the position to be taken by the county in negotiating the amount of compensation or other material terms of an employment contract. (N.C. Gen Stat 143-318.11(a) (5)).
 - (7) To consider initial employment or appointment of an individual to any office or position, other than a vacancy in the board of county commissioners or any other public body, and to consider the qualifications, competence, performance, character, and fitness of any public officer or employee, other than a member of the board of commissioners or some other public body. (N.C.G.S. 143-318.11(a) (6)).
 - (8) To hear or investigate a charge or complaint by or against an individual, public officer or employee. (N.C.G.S. 143-318.11(a) (6)).
 - (9) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct. (N.C.G.S. 143-318.11(a) (7)).
 - (10) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity. (N.C.G.S. 143-318.11(a) (9)).
- (b) The Board may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this rule. In addition, a motion to go into closed session pursuant to Rule 3(a)(1) must state the name or citation of the law that renders the information to be discussed privileged or confidential, and a motion to go into closed session pursuant to Rule 3(a)(2) must identify the parties in each existing lawsuit, if any, concerning which the Board expects to receive advice during the closed session.
- (c) Unless the motion to go into closed session provides otherwise, the county manager, county attorney, and clerk to the board may attend the closed session. No other person may attend the closed session unless specifically invited by majority vote of the board.

III. ORGANIZATION OF THE BOARD

Rule 4. Organizational Meeting.

- (a) Even numbered Years. The board shall hold an organizational meeting at its regular time and place on the first Monday in December of each even-numbered year. The present chairman shall call the meeting to order and the present Board, including retiring members, shall approve the minutes of the previous meeting(s) followed by recognition of outgoing members. Newly elected members of the Board shall take and subscribe the oath of office and be inducted into office, if they have not already been sworn. The county attorney shall then preside until a chairman is elected from its members. The Board shall approve the bonds of the sheriff and register of deeds.

Rule 5. Election of the Chair

The chair and vice-chair of the board shall be elected annually by a majority of the votes cast for a term of one year and shall not be removed from the office of chair or vice-chair during the term unless he or she becomes disqualified to serve as a board member.

IV. REGULAR AND SPECIAL MEETINGS

Rule 6. Regular and Special Meetings.

- (a) Regular Meetings. The board shall hold regular meetings pursuant to a schedule adopted and published pursuant to applicable North Carolina General Statutes. Regular meetings shall be held in the Courthouse Annex. The board may change the place or time of a particular regular meeting or of all regular meetings within a specified period by resolution adopted, posted and noticed at least seven days before the change takes effect. Such a resolution shall be filed with the clerk to the board and posted at or near the regular meeting place, on the county website and copies shall be sent to all persons who have requested notice of special meetings of the board by regular United States mail or by email.
- (b) Special Meetings. The chair or a majority of board members may at any time call a special meeting of the board by signing a notice stating the time and place of the meeting and the subjects to be considered. The person or persons calling the meeting shall cause the notice to be posted on the principal bulletin board of the county or the door of the regular meeting place if there is no principal bulletin board and delivered to the chair and all other board members or left at the usual dwelling place of each member or emailed at least forty-eight hours before the meeting and posted on the county website. In addition, the notice shall be mailed, emailed or delivered to individual persons and news organizations having requested such notice as provided in subsection (e) below at least forty-eight hours before the meeting. Only items of business specified in the notice may be transacted at a special meeting, unless all members are present or those not present have signed waivers.
- (c) Emergency Meetings. If a special meeting is called to deal with an unexpected circumstance requiring immediate consideration, the notice requirements of this rule do not apply. However, the person or persons calling an emergency meeting shall take reasonable action to inform the other members and the public of the meeting, including posting on the county website. Local news organizations having requested notice of special meetings as provided in subsection (e), below, shall be notified of such emergency meeting either by e-mail, by telephone, or by the same method used

to notify board members and shall be given immediately after notice has been given to the board members. Only business connected with the emergency may be discussed at the meeting.

- (d) Work Sessions and Committee Meetings. The board may schedule work sessions, committee meetings, or other informal meetings of the board or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the board. A schedule of any such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special board meetings.
- (e) Sunshine List. Any individual and any newspaper, wire service, radio station, and televisions station may file a written request with the clerk to the board of commissioners for notice of all special meetings of the board. Requests by individuals must be renewed by the last day of each calendar year and are subject to a \$10.00 nonrefundable annual fee; requests by news organizations must be renewed annually by December 31 and are not subject to any fee.

Rule 7. All Meetings within the County.

All meetings shall be held within the boundaries of Perquimans County except as otherwise provided herein:

- (a) A joint meeting with the governing board of any other political subdivision of this or any other state may be held within the boundaries of either subdivision as may be specified in the call of the meeting. At any such joint meeting, this board reserves the right to vote separately on all matters coming before the joint meeting.
- (b) A special meeting called for considering and acting on an order or resolution requesting members of the General Assembly representing all or any portion of this county to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in Raleigh or other such place as stated in the call of meeting.

Rule 8. Broadcasting and Recording of Meetings.

Except as provided in this rule, any media organization may broadcast all or any part of an official board meeting required to be open to the public. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting that is required to be open.

V. AGENDA

Rule 9. Agenda.

- (a) The clerk to the board in cooperation with the county manager and chair shall prepare the agenda for each regular, special, and emergency meeting. A request to have an item of business placed on the agenda for a regular meeting must be received at least two working days before the meeting. Any board member may, by timely request, prior to distribution of the agenda have an item placed on the agenda.

- (b) The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. A copy of the agenda packet shall be delivered to each board member at least seventy-two hours before the meeting and available for public inspection at the county manager’s office, the library and the county website. Documents in the agenda packet, if not previously available for public inspection, shall become so when packets have been delivered to each board member or left at his or her usual dwelling or e-mailed.
- (c) The board may, by majority vote, add an item not on the agenda on findings by the majority of the board that such items could not have reasonably been placed on the agenda pursuant to normal procedures and it is essential that such business be considered at the meeting.

Rule 10. Public Address.

The clerk to the board shall include on the agenda of each regular meeting a period of no more than thirty minutes for comments from the public in attendance. The chair will first recognize individuals or groups having signed the register to be heard, and then may recognize others, subject to available time. Each speaker shall be limited to three (3) minutes of public address, unless allowed additional time by the chair. When the time set aside for informal public comments has expired, the chair will recognize further speakers only upon motion duly made and adopted.

Rule 11. Order of business.

At regular meetings, the board shall proceed to business in the following order:

- (a) Call to order and welcome.
- (b) Invocation.
- (c) Pledge of allegiance.
- (d) Scheduled Public Hearings
- (e) Adoption of agenda.
- (f) Adoption of consent agenda
- (g) Appointments/Scheduled speakers.
- (h) Commissioner Comments/Concerns
- (i) County Manager Update
- (j) Old Business
- (k) New business
- (l) Public Comment
- (m) Adjournment.

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

VI. CONDUCT OF DEBATE

Rule 12. Powers of the Chair

The chair shall preside at all board meetings. To address the board, a member must be recognized by the chair. The chair shall have the following powers; however in exercising these powers the chair's decision is subject to appeal and review by the full board on the motion of any member:

- (a) The rule on points of parliamentary procedure, including the right to rule out of order any motion offered for patently 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 call a brief recess at any time;
- (d) To adjourn in an emergency.

Rule 13. Action by the Board

The board shall proceed by motion. Any member, including the chair, may make a motion.

Rule 14. Second Required

A motion shall require a second in order to be debated and acted on by the board.

Rule 15. One Motion at a Time.

A member may make only one motion at a time.

Rule 16. Substantive Motion

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

Rule 17. Adopted by Majority Vote

A motion shall be adopted if approved by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or North Carolina laws. Any member of the Board who doubts the result of a vote may request that the Board be polled by roll call vote. The Clerk shall call the roll in alphabetical order, provided that for each subsequent roll call vote conducted within a calendar year the Clerk shall rotate the roll so that voting will begin with the next Board member on the roll. The chair of the Board has the privilege of voting last on all such votes. A member is not allowed to pass when polled during a roll call vote unless that member has been excused from voting as provided in Rule 23.

Rule 18. Debate

The chair shall state the motion and then open the floor for debate.

Rule 19. Procedural Motions.

- (a) In addition to substantive proposals, the procedural motions listed in subsection (b) of this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.
- (b) In order of priority (if applicable), the procedural motions are:
 - (1) To Adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter. A motion to adjourn is not debatable and may not be amended.
 - (2) To Take a Recess. (Note under Rule 12 the chair also has the power to call a brief recess).
 - (3) To 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 (Table) Consideration. A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.
 - (7) To call the Previous Question. The motion is not in order until there has been at least fifteen minutes of debate and every member has had one opportunity to speak.
 - (8) To Postpone to a Certain Time or Day.
 - (9) To Refer to Committee. Sixty days after a motion has been referred to 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 of the motion, but it may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendments to a proposed ordinance shall be reduced to writing.
 - (11) To Revive Consideration. The motion is in order at any time within one hundred days of a vote deferring consideration. A substantive motion on which consideration has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.
 - (12) To Reconsider. The motion must be made at the same meeting where the original vote was taken, and by a member who voted with the prevailing side. It cannot

interrupt deliberation on a pending matter but is in order any time before adjournment.

- (13) To Prevent Reconsideration for Six Months. The motion shall be in order only immediately following the defeat of a substantive motion. It requires a vote equal to a quorum and is valid for six months or until the next regular election of county commissioners, whichever occurs first.

Rule 20. Renewal of Motion

A defeated motion may not be renewed at the same meeting.

Rule 21. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before the chair puts the motion to a vote.

Rule 22. Duty to Vote

It is the duty of each member to vote unless excused by a majority vote according to law. The Board may excuse a member from voting, but only upon questions involving their own financial interest or official conduct. A member wishing to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

Rule 23. Prohibition of Secret Voting

No vote may be taken by secret ballot. If the board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, when they may be destroyed.

Rule 24. Action by Reference

The board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted on.

Rule 25. Introduction of Ordinances, Resolutions, and Orders

A proposed ordinance shall be deemed introduced at the first meeting where it is on the agenda and a motion for its adoption or approval is made by a member of the board; its introduction shall be recorded in the minutes.

Rule 26. Adoption, Amendment, or Repeal of Ordinances

To be adopted at the meeting at which it is first introduced, an ordinance or any action having 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 the members of the board of commissioners. If the ordinance is approved by a majority those voting but not by all the members of the board, or if the ordinance is not voted on at that 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. This rule is consistent with and identical to N.C.G.S. § 153A-45 and shall be deemed amended by any legislative amendment to N.C.G.S. § 153A-45.

Rule 27. Budget Requests

New request for expenditures made outside the budget process cannot be approved at the first meeting where it is requested.

Rule 28. Quorum

A majority of the board membership shall constitute a quorum. The number required for a quorum is not affected by the vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members, he or she shall be counted as present for the purposes of determining whether a quorum is present. The board may compel the attendance of an absent member by ordering the sheriff to take the member into custody. This rule is consistent with and identical to N.C.G.S. § 153A-43 and shall be deemed amended by any legislative amendment to N.C.G.S. § 153A-43.

Rule 29. Public Hearings

Public hearings may be required by law or deemed advisable by the board. The Board shall impose rules regarding the length of time allotted to each speaker and designating representatives to speak for large groups. At the appointed time, the chair shall call the hearing to order and preside over it. When the allotted time expires, the chair may briefly extend the time, may declare the hearing ended and the board shall resume the regular order of business, or may continue further comment until later in the agenda.

Rule 30. Quorum at Public Hearings

A quorum of the board must be present at all public hearings required by law.

Rule 31. Minutes

Minutes shall be kept of all board meetings.

Rule 32. Appointments

The board shall use the following procedure to make appointments to fill vacancies in the board itself or in other boards and public offices over which the board has power of appointment. Appointments may be placed on the consent agenda; however, should the

item be placed on the regular agenda, or any Board member removes an appointment from this section of the agenda for placement on the regular agenda, the following procedure will be followed:

The chair shall open the floor to nominations, whereupon the members shall put forward and debate names of possible appointees. After the debate, the chair shall call the roll of the members, and each member shall vote. The votes shall be tallied until each member has voted. Each vote shall be decided by a majority of the valid ballots cast (a majority is determined by dividing the number of valid ballots cast by two and taking the next highest whole number). 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 does not invalidate that member's ballot.

Rule 33. Quasi-Judicial Proceedings

- (a) Chair (designee or County Attorney) presiding
 - (1) Calls the Meeting to Order
 - (2) Establishes that there is a quorum
 - (3) Announces the case to be heard
 - (4) Informs those present of the methods used to notify the parties and the public of the hearing and request for representatives.
 - NOTE: The notice to the parties shall include that those who plan to be represented by counsel or a designated representative of their group notify or have their counsel notify the County Attorney.
 - (5) Explains the procedure that will be followed
- (b) After being sworn, the Planning Director summarizes the case
- (c) Chair will swear applicant and applicant's witnesses
- (d) The Chair in his/her discretion may allow opening statements. If the Chair in his/her discretion allows opening statements, the Chair in his/her discretion may limit the time that each party may have to present their opening statement. An opening statement may only be given by parties who intend to present evidence at the quasi-judicial hearing and shall be limited in scope to statements as to what each party believes their evidence will show.
- (e) Applicants' witnesses will testify. Following each witnesses' testimony, the opposing parties through their designated attorney(s) or representative(s) will be given the opportunity to question the witness, followed by the County Attorney and Board Members. The Chair in his/her discretion shall have the right to limit repetitive questions asked of the witness.
- (f) The opposing parties, through their designated attorney(s) or representative(s) will then have their witnesses sworn and give testimony. Following each witnesses' testimony the applicant will be given an opportunity to question the witness, followed by the County Attorney and Board members.

- (g) Chair asks if any parties, who have not testified as witnesses and not committed to be represented by the designated attorney(s) or representative(s) wish to be sworn and testify. The Chair in his/her discretion may limit testimony of the parties if their testimony becomes repetitious.
- (h) At the Chair's discretion, Applicant may present its rebuttal testimony. Following each witnesses' testimony the opposing parties through their designated attorney(s) or representative(s) will be given an opportunity to question the witness, followed by the County Attorney and Board Members. The Chair in his/her discretion shall have the right to limit repetitive questions asked of the witness.
- (i) The Chair in his/her discretion may allow the opposing parties, or their designated attorney(s) or representative(s) to make a closing statement. If the Chair in his/her discretion allows closing statements, the Chair in his/her discretion may limit the time that each party may have to present their closing statement. A closing statement may only be given by parties who have presented evidence at the quasi-judicial hearing and shall be limited in scope to statements as to inferences, findings and conclusions as to what each party believes their evidence has shown.
- (j) The Chair summarizes the evidence presented (Written findings of fact are required). However, in the case of a lengthy hearing and numerous witnesses, the Board may choose to table its decision to allow time for the findings of fact to be drafted. NOTE: This is the last opportunity for the applicant to request a continuance or to withdraw their application.
- (k) When the Board resumes the hearing on this case, the Chair asks the Board for a Motion on the findings of fact. It can be approved, or denied or continued. A denial can be followed by another motion from the Board.
- (l) If an application is approved, the Board will state any conditions of the application, if needed.

Rule 34. Reference to Robert's Rules of Order

Reference to Robert's Rules of Order. To the extent not provided for in and not conflicting with the spirit of these rules, the chair shall refer to Robert's Rules of Order to resolve procedural questions.

Amended by the Board of Commissioners this the 6th day of June, 2016.


Mary P. Hunnicutt
Clerk to the Board of Commissioners

**PROPOSED RULES OF
PROCEDURE**
Corrections indicated by yellow
highlight or a star.

RULES OF PROCEDURE FOR THE PERQUIMANS COUNTY BOARD OF COMMISSIONERS

I. APPLICABILITY

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 - (5) To consider and take action with respect to the position to be taken by the county in negotiating the price or other material terms of an agreement for the acquisition or lease of real property. (N.C. Gen Stat 143-318.11(a) (5)).
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 - (10) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity. (N.C.G.S. 143-318.11(a) (9)).
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- (c) Unless the motion to go into closed session provides otherwise, the county manager, county attorney, and clerk to the board may attend the closed session. No other person may attend the closed session unless specifically invited by majority vote of the board.

III. ORGANIZATION OF THE BOARD

Rule 4. Organizational Meeting.

- (a) Even numbered Years. The board shall hold an organizational meeting at its regular time and place on the first Monday in December of each even-numbered year. The present chairman shall call the meeting to order and the present Board, including retiring members, shall approve the minutes of the previous meeting(s) followed by recognition of outgoing members. Newly elected members of the Board shall take and subscribe the oath of office and be inducted into office, if they have not already been sworn. The county attorney shall then preside until a chairman is elected from its members. The Board shall approve the bonds of the sheriff and register of deeds.

Rule 5. Election of the Chair

The chair and vice-chair of the board shall be elected annually by a majority of the votes cast for a term of one year and shall not be removed from the office of chair or vice-chair during the term unless he or she becomes disqualified to serve as a board member.

IV. REGULAR AND SPECIAL MEETINGS

Rule 6. Regular and Special Meetings.

- (a) Regular Meetings. The board shall hold regular meetings pursuant to a schedule adopted and published pursuant to applicable North Carolina General Statutes. Regular meetings shall be held in the Courthouse Annex. The board may change the place or time of a particular regular meeting or of all regular meetings within a specified period by resolution adopted, posted and noticed at least seven days before the change takes effect. Such a resolution shall be filed with the clerk to the board and posted at or near the regular meeting place, on the county website and copies shall be sent to all persons who have requested notice of special meetings of the board by regular United States mail or by email.
- (b) Special Meetings. The chair or a majority of board members may at any time call a special meeting of the board by signing a notice stating the time and place of the meeting and the subjects to be considered. The person or persons calling the meeting shall cause the notice to be posted on the principal bulletin board of the county or the door of the regular meeting place if there is no principal bulletin board and delivered to the chair and all other board members or left at the usual dwelling place of each member or emailed at least forty-eight hours before the

meeting and posted on the county website. In addition, the notice shall be mailed, emailed or delivered to individual persons and news organizations having requested such notice as provided in subsection (e) below at least forty-eight hours before the meeting. Only items of business specified in the notice may be transacted at a special meeting, unless all members are present or those not present have signed waivers.

- (c) **Emergency Meetings.** If a special meeting is called to deal with an unexpected circumstance requiring immediate consideration, the notice requirements of this rule do not apply. However, the person or persons calling an emergency meeting shall take reasonable action to inform the other members and the public of the meeting, including posting on the county website. Local news organizations having requested notice of special meetings as provided in subsection (e), below, shall be notified of such emergency meeting either by e-mail, by telephone, or by the same method used to notify board members and shall be given immediately after notice has been given to the board members. Only business connected with the emergency may be discussed at the meeting.
- (d) **Work Sessions and Committee Meetings.** The board may schedule work sessions, committee meetings, or other informal meetings of the board or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the board. A schedule of any such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special board meetings.
- (e) **Sunshine List.** Any individual and any newspaper, wire service, radio station, and television station may file a written request with the clerk to the board of commissioners for notice of all special meetings of the board. Requests by individuals must be renewed by the last day of each calendar year and are subject to a \$10.00 nonrefundable annual fee; requests by news organizations must be renewed annually by December 31 and are not subject to any fee.

Rule 7. All Meetings within the County.

All meetings shall be held within the boundaries of Perquimans County except as otherwise provided herein:

- (a) A joint meeting with the governing board of any other political subdivision of this or any other state may be held within the boundaries of either subdivision as may be specified in the call of the meeting. At any such joint meeting, this board reserves the right to vote separately on all matters coming before the joint meeting.
- (b) A special meeting called for considering and acting on an order or resolution requesting members of the General Assembly representing all or any portion of this county to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in Raleigh or other such place as stated in the call of meeting.

Rule 8. Broadcasting and Recording of Meetings.

Except as provided in this rule, any media organization may broadcast all or any part of an official board meeting required to be open to the public. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting that is required to be open.

V. AGENDA

Rule 9. Agenda.

- (a) The clerk to the board in cooperation with the county manager and chair shall prepare the agenda for each regular, special, and emergency meeting. A request to have an item of business placed on the agenda for a regular meeting must be received at least two working days before the meeting. Any board member may, by timely request, prior to distribution of the agenda have an item placed on the agenda.
- (b) The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. A copy of the agenda packet shall be delivered to each board member at least seventy-two hours before the meeting and available for public inspection at the county manager's office, the library and the county website. Documents in the agenda packet, if not previously available for public inspection, shall become so when packets have been delivered to each board member or left at his or her usual dwelling or e-mailed.
- (c) The board may, by majority vote, add an item not on the agenda on findings by the majority of the board that such items could not have reasonably been placed on the agenda pursuant to normal procedures and it is essential that such business be considered at the meeting.

Rule 10. Public Address.

The clerk to the board shall include on the agenda of each regular meeting a period of no more than thirty minutes for comments from the public in attendance. The chair will first recognize individuals or groups having signed the register to be heard, and then may recognize others, subject to available time. Each speaker shall be limited to three (3) minutes of public address, unless allowed additional time by the chair. When the time set aside for informal public comments has expired, the chair will recognize further speakers only upon motion duly made and adopted.

Rule 11. Order of business.

At regular meetings, the board shall proceed to business in the following order:

- (a) Call to order and welcome.




- (b) Invocation.
- (c) Pledge of allegiance.
- (d) Scheduled Public Hearings
- (e) Adoption of agenda.
- (f) Adoption of consent agenda
- (g) Appointments/Scheduled speakers.
- (h) Commissioner Comments/Concerns
- (i) County Manager Update
- (j) Old Business
- (k) New business
- (l) Public Comment
- (m) Adjournment.

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

VI. CONDUCT OF DEBATE

Rule 12. Powers of the Chair

The chair shall preside at all board meetings. To address the board, a member must be recognized by the chair. The chair shall have the following powers; however in exercising these powers the chair's decision is subject to appeal and review by the full board on the motion of any member:

- (a) The rule on points of parliamentary procedure, including the right to rule out of order any motion offered for patently 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;  **(Replace with) To determine whether a speaker or Board member has become disruptive or has gone beyond the reasonable standards of courtesy in his or her remarks and/or behavior.**
- (c) To call a brief recess at any time;
- (d) To adjourn in an emergency.
-  (e) **In the case of any member of the public who becomes so disruptive that the ability to conduct a meeting is impaired or whose behavior has gone beyond the reasonable standards of courtesy in his or her remarks and/or behavior, the Chair shall have the authority to ask the member of the public to vacate the premises. In the event the offending member of the general public refuses to vacate the premises, the Chair shall have the authority to request law enforcement to assist in removing the offending member of the public from the premises.**
-  (f) **In the case of any Board member who becomes so disruptive that the ability to conduct a meeting is impaired or whose behavior has gone beyond the reasonable**



standards of courtesy in his or her remarks and/or behavior, the Chair shall first remind the offending Board member of the rules of debate; explain to the offending Board member which aspects of his remarks and/or behavior are deemed so disruptive that the ability to conduct the meeting is impaired and/or have gone beyond the reasonable standards of courtesy and request the offending Board member to cease and desist in engaging in such remarks and/or behavior. In the event the offending Board member does not cease and desist in engaging in such remarks and/or behavior which have been deemed by the Chair to be so disruptive that the ability to conduct the meeting is impaired or which have gone beyond the reasonable standards of courtesy, the Chair shall have the authority to request a motion and second on the question of whether the offending Board member shall be asked to vacate the premises. In the event the Board votes in the affirmative to have the offending Board member vacate the premises, the Chair shall first ask the offending Board member to vacate the premises and if the offending Board member refuses to do so, the Chair shall have the authority to request law enforcement to assist in removing the offending Board member from the premises.

Rule 13. Action by the Board

The board shall proceed by motion. Any member, including the chair, may make a motion.

Rule 14. Second Required

A motion shall require a second in order to be debated and acted on by the board.



Rule 14(a). To Limit or Close Debate

A motion to limit or close debate may be made to limit debate to a specified time frame after a reasonable amount of time has already been spent on a specific topic. Provided, however, such a motion shall require a 2/3 thirds vote in order to pass.

Rule 15. One Motion at a Time.

A member may make only one motion at a time.

Rule 16. Substantive Motion

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

Rule 17. Adopted by Majority Vote

A motion shall be adopted if approved by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or North Carolina laws. Any member of the Board who doubts the result of a vote may request that the Board be polled by

roll call vote. The Clerk shall call the roll in alphabetical order, provided that for each subsequent roll call vote conducted within a calendar year the Clerk shall rotate the roll so that voting will begin with the next Board member on the roll. The chair of the Board has the privilege of voting last on all such votes. A member is not allowed to pass when polled during a roll call vote unless that member has been excused from voting as provided in Rule 23.

Rule 18. Debate

The chair shall state the motion and then open the floor for debate.

Rule 19. Procedural Motions.

- (a) In addition to substantive proposals, the procedural motions listed in subsection (b) of this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.
- (b) In order of priority (if applicable), the procedural motions are:
 - (1) To Adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter. A motion to adjourn is not debatable and may not be amended.
 - (2) To Take a Recess. (Note under Rule 12 the chair also has the power to call a brief recess).
 - (3) To 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 (Table) Consideration. A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.
 - (7) To call the Previous Question. The motion is not in order until there has been at least fifteen minutes of debate and every member has had one opportunity to speak.
 - (8) To Postpone to a Certain Time or Day.
 - (9) To Refer to Committee. Sixty days after a motion has been referred to 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 of the motion, but it may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendments to a proposed ordinance shall be reduced to writing.
- (11) To Revive Consideration. The motion is in order at any time within one hundred days of a vote deferring consideration. A substantive motion on which consideration has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.
- (12) To Reconsider. The motion must be made at the same meeting where the original vote was taken, and by a member who voted with the prevailing side. It cannot interrupt deliberation on a pending matter but is in order any time before adjournment.
- (13) To Prevent Reconsideration for Six Months. The motion shall be in order only immediately following the defeat of a substantive motion. It requires a vote equal to a quorum and is valid for six months or until the next regular election of county commissioners, whichever occurs first.

Rule 20. Renewal of Motion

A defeated motion may not be renewed at the same meeting.

Rule 21. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before the chair puts the motion to a vote.

Rule 22. Duty to Vote

It is the duty of each member to vote unless excused by a majority vote according to law. The Board may excuse a member from voting, but only upon questions involving their own financial interest or official conduct. A member wishing to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

Rule 23. Prohibition of Secret Voting

No vote may be taken by secret ballot. If the board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, when they may be destroyed.

Rule 24. Action by Reference

The board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted on.

Rule 25. Introduction of Ordinances, Resolutions, and Orders

A proposed ordinance shall be deemed introduced at the first meeting where it is on the agenda and a motion for its adoption or approval is made by a member of the board; its introduction shall be recorded in the minutes.

Rule 26. Adoption, Amendment, or Repeal of Ordinances

To be adopted at the meeting at which it is first introduced, an ordinance or any action having 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 the members of the board of commissioners. If the ordinance is approved by a majority those voting but not by all the members of the board, or if the ordinance is not voted on at that 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. This rule is consistent with and identical to N.C.G.S. § 153A-45 and shall be deemed amended by any legislative amendment to N.C.G.S. § 153A-45.

Rule 27. Budget Requests

New request for expenditures made outside the budget process cannot be approved at the first meeting where it is requested.

Rule 28. Quorum

A majority of the board membership shall constitute a quorum. The number required for a quorum is not affected by the vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members, he or she shall be counted as present for the purposes of determining whether a quorum is present. The board may compel the attendance of an absent member by ordering the sheriff to take the member into custody. This rule is consistent with and identical to N.C.G.S. § 153A-43 and shall be deemed amended by any legislative amendment to N.C.G.S. § 153A-43.

Rule 29. Public Hearings

Public hearings may be required by law or deemed advisable by the board. The Board shall impose rules regarding the length of time allotted to each speaker and designating representatives to speak for large groups. At the appointed time, the chair shall call the hearing to order and preside over it. When the allotted time expires, the chair may briefly extend the time, may declare the hearing ended and the board shall resume the regular order of business, or may continue further comment until later in the agenda.

Rule 30. Quorum at Public Hearings

A quorum of the board must be present at all public hearings required by law.

Rule 31. Minutes

Minutes shall be kept of all board meetings.

Rule 32. Appointments

The board shall use the following procedure to make appointments to fill vacancies in the board itself or in other boards and public offices over which the board has power of appointment. Appointments may be placed on the consent agenda; however, should the item be placed on the regular agenda, or any Board member removes an appointment from this section of the agenda for placement on the regular agenda, the following procedure will be followed:

The chair shall open the floor to nominations, whereupon the members shall put forward and debate names of possible appointees. After the debate, the chair shall call the roll of the members, and each member shall vote. The votes shall be tallied until each member has voted. Each vote shall be decided by a majority of the valid ballots cast (a majority is determined by dividing the number of valid ballots cast by two and taking the next highest whole number). 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 does not invalidate that member's ballot.

Rule 33. Quasi-Judicial Proceedings

(a) Chair (designee or County Attorney) presiding

- (1) Calls the Meeting to Order
- (2) Establishes that there is a quorum
- (3) Announces the case to be heard
- (4) Informs those present of the methods used to notify the parties and the public of the hearing and request for representatives.
NOTE: The notice to the parties shall include that those who plan to be represented by counsel or a designated representative of their group notify or have their counsel notify the County Attorney.
- (5) Explains the procedure that will be followed

- (b) After being sworn, the Planning Director summarizes the case
- (c) Chair will swear applicant and applicant's witnesses
- (d) The Chair in his/her discretion may allow opening statements. If the Chair in his/her discretion allows opening statements, the Chair in his/her discretion may limit the time that each party may have to present their opening statement. An opening statement may only be given by parties who intend to present evidence at the quasi-judicial hearing and shall be limited in scope to statements as to what each party believes their evidence will show.
- (e) Applicants' witnesses will testify. Following each witnesses' testimony, the opposing parties through their designated attorney(s) or representative(s) will be given the opportunity to question the witness, followed by the County Attorney and Board Members. The Chair in his/her discretion shall have the right to limit repetitive questions asked of the witness.
- (f) The opposing parties, through their designated attorney(s) or representative(s) will then have their witnesses sworn and give testimony. Following each witnesses' testimony the applicant will be given an opportunity to question the witness, followed by the County Attorney and Board members.
- (g) Chair asks if any parties, who have not testified as witnesses and not committed to be represented by the designated attorney(s) or representative(s) wish to be sworn and testify. The Chair in his/her discretion may limit testimony of the parties if their testimony becomes repetitious.
- (h) At the Chair's discretion, Applicant may present its rebuttal testimony. Following each witnesses' testimony the opposing parties through their designated attorney(s) or representative(s) will be given an opportunity to question the witness, followed by the County Attorney and Board Members. The Chair in his/her discretion shall have the right to limit repetitive questions asked of the witness.
- (i) The Chair in his/her discretion may allow the opposing parties, or their designated attorney(s) or representative(s) to make a closing statement. If the Chair in his/her discretion allows closing statements, the Chair in his/her discretion may limit the time that each party may have to present their closing statement. A closing statement may only be given by parties who have presented evidence at the quasi-judicial hearing and shall be limited in scope to statements as to inferences, findings and conclusions as to what each party believes their evidence has shown.
- (j) The Chair summarizes the evidence presented (Written findings of fact are required). However, in the case of a lengthy hearing and numerous witnesses, the Board may choose to table its decision to allow time for the findings of fact to be drafted. NOTE: This is the last opportunity for the applicant to request a continuance or to withdraw their application.

- (k) When the Board resumes the hearing on this case, the Chair asks the Board for a Motion on the findings of fact. It can be approved, or denied or continued. A denial can be followed by another motion from the Board.
- (l) If an application is approved, the Board will state any conditions of the application, if needed.

Rule 34. Reference to Robert’s Rules of Order

Reference to Robert’s Rules of Order. To the extent not provided for in and not conflicting with the spirit of these rules, the chair shall refer to Robert’s Rules of Order to resolve procedural questions.

★ Rule 35. Code of Ethics

The Perquimans County Board of Commissioners follows the NACO Code of Ethics which is on file with the Clerk to the Board of Commissioners. The NACO Code of Ethics is made a part hereof the same as if it were set forth verbatim.

Amended by the Board of Commissioners this the ___ day of _____, 2022.

Wallace E. Nelson, Chairman

Mary P. Hunnicutt
Clerk to the Board of Commissioners