

**Rules of Procedure for the
Board of Commissioners
Town of Mint Hill, North Carolina**

Purpose: The Board of Commissioners of the Town of Mint Hill is comprised of the Mayor and four Commissioners elected at large in a non-partisan municipal election. The purpose of this policy statement is to develop favored procedures for the Board of Commissioners (Board) to look to and follow. It is hoped that these procedures will facilitate communications between and among Board members and staff, provide efficient and equitable procedures to follow in and out of public meetings, and provide general information and recommendations about how the Board conducts Town business. This policy is based in large part on North Carolina law, but the policy is not designed to create any additional rights or obligations and does not provide any procedural rights to any person. The failure of the Board or any other person to adhere to the recommended procedures described herein shall not affect the validity of any meeting or action taken by Board. To the extent there is conflict or any discrepancy between these procedures and the North Carolina General Statutes, case law, or Town ordinances (collectively “law”), the law shall prevail.

Rule 1. Regular Meetings

The Board has scheduled regular meetings for the second and fourth Thursday of each month to be held at 7:00 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall, 4430 Mint Hill Village Lane, Mint Hill, North Carolina. As required by G. S. 143-318.12, the open meetings law, the Board’s schedule of regular meetings shall be filed with the Town Clerk and any change in the schedule for regular meetings of the Board shall be adopted by the Board and filed at least seven days before the day of the first meeting under the changed schedule. This filing constitutes the only public notice required for regular meetings.

Rule 2. Special, Emergency and Recessed (or Adjourned) Meetings

A. Special Meetings

1. The Mayor or the Mayor Pro Tem or any two Commissioners may at any time call a special meeting of the Board by signing a written notice that is maintained in the Town Clerk’s office. This written notice will include the date, time, and place of the meeting and subject(s) to be considered. This written notice shall be provided to the Town Clerk to allow public notice to be posted at least 48 hours before a special meeting called in this manner. This public notice shall be:

- a. provided to each Board member;
- b. posted on the principle bulletin board of the public body; or, if the public body has no such bulletin board, at the door of its usual meeting room; and,
- c. provided to those on the “Sunshine List” (each newspaper, wire service, radio station, television station and person who has filed a written request for notice with the Town Clerk).

2. A special meeting may also be called or scheduled by vote of the Board in open session during another duly called meeting (as distinguished from a “recessed meeting” – Rule 2, Item C). The motion calling for the special meeting shall specify the date, time, place, and subjects to be

considered. At least 48 hours before the meeting that is called in this manner, the Town Clerk shall post a public notice and distribute it as follows:

- a. provided to each Board member not present at the meeting when the special meeting was called, and it shall be provided to those Board members at least 48 hours before the meeting;
- b. posted on the principal bulletin board of the public body or, if the public body has no such bulletin board, at the door of its usual meeting room; and,
- c. provided to the "Sunshine List" (each newspaper, wire service, radio station, television station and person who has filed a written request for notice with the Town Clerk).

3. Only those items of business specified in the notice may be discussed or transacted at a special meeting.

B. Emergency Meetings

Emergency meetings may be called only because of generally unexpected circumstances that require immediate consideration by the Board. Only business connected with the emergency may be considered at an emergency meeting. There are two methods that may be used for calling an emergency meeting:

1. The Mayor, the Mayor Pro Tem, or any two Commissioners may at any time call an emergency meeting of the Board by signing a written notice that is maintained in the Town Clerk's office. This written notice shall state the date, time, and place of the meeting and the subject(s) to be considered. The notice shall be delivered to the Mayor and each Commissioner 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 Board are present and consent thereto, or when those not present have signed a written waiver of notice.

In either method above, notice shall also be given to each local newspaper, local wire service, local radio station and local television station that has filed a written request with the Town Clerk and has provided a telephone number for emergency notification. Notice to media outlets shall be given either by telephone or by the same method used to notify the members of the public body and shall be given immediately after notice has been given to the public body.

C. Recessed (or Adjourned or Continued) Meetings

A properly called regular, special, or emergency meeting may be recessed (or adjourned or continued) to a date, time, and place as specified by a duly adopted motion made in open session at the regular, special, or emergency meeting. No further notice is necessary for a recessed session of a properly called regular, special, or emergency meeting.

Rule 3. Organizational Meeting

On the date and at the time of the first regular meeting in December following a general election in which the members of the Board (Mayor and Commissioners) are elected, the newly elected members shall take and subscribe the oath of office. Any member not present at the organizational meeting may take the oath at any time thereafter. At this meeting, the Board shall also elect a Mayor Pro Tempore from its membership. In addition, the Mayor shall appoint Commissioners to serve on Board committees and/or as liaisons to boards and commissions and outside organizations that request a Board liaison (refer to Rule 8). This organizational meeting

shall not be held before the municipal election results are officially determined, certified, and published in accordance with state law.

Rule 4. Agenda Preparation and Dissemination for Regular Meetings

A. Topics requested to be placed on the draft agenda shall be submitted by to the Town Clerk by 11:00 a.m. on Monday, ten days prior to the Thursday meeting. The Board of Commissioners agenda is prepared by the Town Clerk based on information from:

1. Board Committees: Committees make a recommendation to the full Board.
2. Boards or Commissions who have a role in the development process as outlined in the land development ordinances: The Planning Board, Zoning Board of Adjustment, and Parks and Recreation Committee all have a role in the development process (i.e., rezonings, site/subdivision plans, land development ordinance amendments, etc.). Staff will include details of these board recommendations in the staff report/data sheet that is prepared, including details of the minority opinion. The issue will be placed on the Board agenda for discussion and/or decision.
3. Staff: All staff initiated items that go directly to the Board instead of through the committee process must be approved by the department director and the Town Manager in order to be placed on a Board agenda. If the Town Manager determines that it is noncontroversial, then the issue will be placed on the consent agenda. Otherwise, the issue will be placed on the Board agenda for discussion.
4. Board Members Reports by Board members who are liaisons to outside groups and Town boards/commissions (e.g., groups to which Board members serve as liaisons include Planning Board, Parks and Recreation Committee, Centralina Council of Governments, Charlotte Regional Transportation Planning Organization, Mint Hill Volunteer Fire Department, Mint Hill Historical Society, etc.): The liaisons to outside groups will provide reports, as deemed appropriate by the liaison, during regularly scheduled meetings under “Other Business/Council Matters.” Board members will have an opportunity to ask questions about the report. No action/vote is necessary to accept, receive or approve the report.
5. Board Member Initiated Agenda Items (with the exception of reports, which are addressed in Item (4) above): The Board values initiatives and ideas from its members and also respects the time and resources required by staff in preparing staff reports. Board member initiated requests will be handled in the following manner:
 - (a) The Board member requesting that an item be placed on the agenda shall first obtain the support of another Board member.
 - (b) The Board member making the request will e-mail the Town Clerk showing a copy of the e-mail from the second Board member who supports the request. The e-mail should contain details about the requested agenda item.
 - (c) Staff will determine the appropriate agenda on which to place this Board member initiated request. Staff will send an e-mail to all Board members with a copy to all department directors advising everyone of the details of the agenda

item, the agenda on which the item will appear, and the names of the two Board members who brought forth this request.

(d) There will not be a staff report/recommendation at the meeting when this item first appears on the agenda. The Board member who made the request will verbally explain the request.

(e) At the meeting when the item first appears on the agenda, the Board as a whole may take one of the following three actions:

- (1) Consider the matter and take action if deemed appropriate; or
- (2) Refer the request to the appropriate committee meeting, at which time a staff report with staff recommendation will be prepared, or
- (3) Refer the request to a future Board meeting, at which time a staff report with staff recommendation will be prepared, or
- (4) Decide not to pursue the Board member initiated request.

6. Other governmental entities associated with the Town (i.e., Charlotte Water, Centralina Council of Governments, Charlotte Housing Consortium, Mecklenburg County Land and Environmental Services Agency, municipalities in Mecklenburg County, etc.): Other governmental entities requesting to make reports to the Board will work with the Town Manager and/or Town Clerk, who will identify the appropriate Board meeting. The organization will provide a report, preferably in electronic format, including an executive summary in time to meet the agenda deadlines. It is the responsibility of all Board members to review this report prior to the meeting. At the meeting the presider will ask the organization's representative if there is any new information to add that is not in the report. The Board members will have an opportunity to ask questions about the report. No action/vote is necessary to accept, receive or approve the report. If the agency requests Board action (instead of a request to only make a report to provide information – such as a request for the Board to adopt a resolution to support their initiative), then they will work with the Manager and/or Town Clerk, who will determine the appropriate agenda on which to include the request.

7. Requests from the Public: Public requests shall be submitted in accordance with the Town's "Policy Regarding Public Requests to Speak or Be Included on the Town's Agenda for Regularly Scheduled Meetings." (See Exhibit A)

B. The Town Clerk will prepare the draft agenda on Monday, ten days before the meeting and will make it available electronically to all staff and Board members. The draft agenda will be made available in hard copy to any Board member requesting such form.

C. Staff and Board members, and other entities who are eligible according to this policy to request agenda items must inform the Town Clerk of any changes necessary to the draft agenda no later than 5:00 p.m. on Wednesday, eight days before the Thursday meeting.

D. Documents associated with a particular Board meeting (staff reports, minutes, maps, etc.) must be submitted to the Town Clerk's Office by 5:00 p.m. Thursday, the week before the meeting.

E. The tentative agenda and all supporting documentation will be distributed to the Board members by Friday prior to the Thursday Board meeting.

F. The Town Clerk will post the tentative agenda in the Town Hall and submit it to the “Sunshine List.”

Rule 5. Agenda Preparation/Dissemination for Special, Recessed, & Emergency Meetings

A. Special Meetings: These meetings are recognized to be more informal than regular meetings. It is not necessary for the Board to officially adopt the agenda. The public notice for a special meeting may serve as the agenda. The Board may not add items to the agenda of a special meeting.

B. Recessed and Emergency Meetings: An agenda will not be prepared for recessed or emergency meetings.

Rule 6. Order of Business and Rules for Each Agenda Section

Items shall be placed on the agenda according to the order of business. The order of business and rules for each agenda topic for each regular meeting follow:

1. *Call to Order*. The presider will always begin the meeting at the appointed time with a quorum present.

2. *Ceremonial Opening*. Each meeting shall be opened with an “Invocation” and the presider shall lead the Pledge of Allegiance. Board members will rotate in offering the “Invocation.” The Board member responsible for the “Invocation” shall provide either a “verbal legal prayer” or call for a “moment of silence.”

3. *Adoption of Agenda*. As its first order of business at each regular meeting, the Board shall discuss and revise the tentative agenda and adopt an agenda for the meeting. The Board may by majority vote add staff generated emergency items that have come up since the agenda provided adequate support documentation is submitted and the item does not require extensive reading/study, delete items from the agenda for which action is no longer required, postpone items to a future meeting or rearrange agenda items. By unanimous consensus or majority vote of the Board, agenda items may be considered out of order. Staff will provide the Board members with a list of items that are staff emergency-type items that staff suggests to be added to the agenda; items that no longer need Board action; and items that should be postponed to a future meeting. The Board may adopt the agenda as written or modify the agenda as proposed by majority vote.

4. *Consent Agenda*. The Board may designate a part of the regular meeting agenda as the “Consent Agenda.” Items shall be placed on the consent agenda by those preparing the proposed agenda if they are believed to be non-controversial and routine. Any Board member may remove an item from the consent agenda and place it on the regular agenda for discussion. The consent agenda will be handled separately from the adoption of the regular agenda. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion, second, and vote on each item. When possible, any Board member wishing to remove an item from the consent agenda should advise the staff in advance. The following are examples of consent agenda items.

a. Reports from Treasurer and Tax Collector

b. Approval of Minutes from Regular, Special or Emergency Meetings

5. *Recognitions.* Recognitions shall include recognition of staff or the public for special accomplishments or achievements and presentation of proclamations/resolutions that are requested to be presented at a Board meeting. Staff recognitions shall be recommended by the department director and approved by the Town Manager. Proclamation/Resolution presentations shall be requested by a Board member or department director.

6. *Public Hearings.* Public hearings on zoning/subdivision ordinance amendments [text or map] as well as public hearings on special use permits and conditional use permits shall be held during the regularly scheduled meetings. The Board shall follow all N.C. laws and local ordinances with regard to legally required public hearings. The Board may also call for public hearings on issues that do not require a legal public hearing. The Board agrees that the purpose of public hearings is to receive public input. The Board members may ask questions to gather/clarify evidence presented; however, Board members shall not engage in debate with speakers during public hearings on special use and conditional use permits. With regard to special use permits and conditional use permits, Board members will hold all other questions and comments until after the public hearing is closed. The Board establishes the following rules for public hearing:

- a. Any individual planning to speak shall write his/her name and address on an index card (provided in the lobby of the Assembly Room); and, the card containing such information should be provided to the Clerk upon approaching the podium to speak.
- b. Speaker should clearly state name and address;
- c. Speakers should be concise;
- d. Speakers should avoid repetition;
- e. Speakers should adhere to time limit established by presider at the beginning of the hearing;
- f. Speakers may only speak once per public hearing;
- g. Unused minutes are not transferable to other speakers;
- h. Individuals should designate a spokesperson for large groups;
- i. Speakers should provide the Town Clerk with any documents or materials to be presented to the Board;
- j. Speakers should direct comments to the entire Board and not to individual Board members.

7. *Public Comments.* Public address to the Board is not allowed at special or emergency meetings or any recessed special or emergency meeting except special meetings called for the purpose of holding a public hearing. Individuals or groups wishing to address the Board at a regular meeting shall abide by the rules/policy set forth in the "Policy Regarding Public Requests to be Speak or Be Included on the Town's Agenda for Regularly Scheduled Meetings." (See Exhibit A.)

8. *Land Development Ordinance Discussion Items.* These agenda items encompass all boards/staff who have a role in the development process. The details of all board/commission recommendations, including the minority opinion, will be included on the staff report/data sheet so that Board can study these recommendations prior to the meeting. At the meeting, the staff will reiterate the staff recommendation and the recommendations of all the boards that had a role

in the issue. This is in lieu of board/commission chairpersons making verbal reports at the meeting.

9. *Old/New Business.* In addition to old and new business items on the regular meeting agenda, any item pulled from the regular consent agenda will be discussed during this part of the meeting.

10. *Other Business/Board Matters.* Reports shall include reports from Board liaisons and outside entities who qualify according to Rule 4. At the meeting, the representative will be recognized, afforded the opportunity to bring forth new information and answer any questions from the Board members.

11. *Closed Session.* The Board may hold closed sessions as provided by law. The Board shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session as provided by N.C. law. Only those actions authorized by statute may be taken in closed session. No general policy matter may be discussed in closed session. A motion to adjourn or recess shall not be in order during a closed session. Only Board members, the Town's legal counsel and the Town Manager are permitted to attend closed session unless other individuals are invited by a majority of the Board and/or the Town Manager to attend.

12. *Adjournment.* The Board shall adjourn meetings by motion in open session.

Rule 7. General Rules for Meetings

Open Meetings Requirement: The Board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number, or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the Board to understand what is being deliberated, voted, or acted on. The Board 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.

In addition, Board members shall not use e-mail, instant message, or chat rooms during the meetings and shall not participate in private conversations with other members of the Board, all of which could be perceived as deliberating in a secret method.

Rule 8. Office of the Mayor

The Mayor shall have the authority to:

- Preside over public meetings of the Board;
- Vote upon all measures before the Board;
- Be counted for quorum purposes;
- *Rule motions in or out of order;
- * Determine when a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- * Answer questions of procedure;
- Preserve order and decorum;

- Call a brief recess at any time;
- Adjourn in an emergency;
- Appoint liaisons and all special committees, except where the Board shall otherwise order;
- Execute documents as approved by Board on behalf of the Town.

*The Mayor or the Board members may request guidance from the Town Attorney on the above issues. If an issue arises not addressed in these rules of procedures, the Town Attorney may utilize Robert's Rules of Order or Suggested Rules of Procedure for a City Council (by Fleming Bell) to provide guidance to the Board.

The Mayor as the meeting presider shall follow the principles below, which were taken from "Roberts Rules in Plain English":

"Be on time and start on time."

"Be organized. The presiding officer should have a detailed, well prepared agenda and stick to it."

"Be prepared. The presiding officer should be familiar with the procedural rules..."

"Be a teacher. The presiding officer should keep the group working together by explaining procedure clearly and communicating the next order of business. If a motion is confusing, it is his [her] duty to clarify it. This may mean helping a member rephrase a motion."

"Be in control of the floor. The presiding officer should 'assign' the floor by recognizing those members who wish to speak by calling them by name. No other member may interrupt or call out remarks without being out of order. The presiding officer should remind such a member that the floor has been assigned and request that his [her] remarks be held until the floor has been assigned to him [her]. In addition, private discussion between members while another has the floor is out of order and disruptive members should be reminded of this rule."

"Be impartial. The presiding officer should impartially call on members wishing to speak. He [she] should give members on both sides of an issue an opportunity to speak..."

"Be composed. The presiding officer should remain calm and objective, keeping the meeting moving."

"Be precise. The presiding officer should always restate the motion before taking a vote. After taking the vote, he [she] announces the result of the vote by interpreting the action taken. The presiding officer should always be certain about the results of a voice vote. He [she] may retake the vote by requesting a show of hands on his [her] own accord."

"Be focused. The presiding officer should not allow irrelevant discussion. Restate the question and, if necessary, directly request the member to 'confine remarks to the pending question'." "Be temperate. The presiding officer should use the gavel sparingly, tapping it once to open and close the meeting."

Rule 9. Office of the Mayor Pro Tempore

At the organizational meeting the Board shall elect from its membership a Mayor Pro Tempore to serve at the Board's pleasure. The Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Board member for all purposes, including the determination of whether a quorum is present. The Mayor Pro Tempore shall perform the duties of the Mayor in the event of the absence of the Mayor, or in case of sickness of the mayor or other causes which would prevent the Mayor from attending to the duties of the office.

If both the Mayor and Mayor Pro Tempore are absent from a meeting, the Board may elect from among its members a temporary chairperson to preside at the meeting.

Rule 10. Action by the Board

The Board shall proceed by motion, unless the Board agrees to proceed by unanimous consensus (such as referring items to the Planning and Zoning Board). Seconds are required to all motions. Only one motion at a time shall be allowed. Any motion shall be reduced to writing by the member making it upon the request of the presiding officer or any Board member. Motions may be withdrawn at any time. Motions shall be adopted by a majority of the votes cast unless otherwise required by these rules or by the laws of North Carolina . A majority is defined as more than half.

Any vote may be made by written ballot if requested by any two Board members present. All votes shall be yeas and nays and shall be entered in the record on request of one member. All ballot votes require a quorum present and voting; and, all ballot votes must be signed by the voting member and become public record after the vote has been taken.

Every member of the Board must vote unless excused by a majority of the remaining members according to state law. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters in which the member has a conflict of interest (as outlined in the N.C. General Statutes and case law). In all other cases, a failure to vote by a member who is physically present in the Board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

Rule 11. Board Direction to Staff

If during a meeting an individual member of the Board gives direction to staff, the presider will immediately ascertain if that direction is approved by the Board (either by unanimous consensus or by motion, second and vote). This will ensure that Board as a group is clearly articulating direction to staff.

Rule 12. Debate/Discussion by Board

The Board recognizes and appreciates the importance of Board discussion at every stage in each process. Debate/discussion shall be allowed prior to requiring a motion and second. During the debate/discussion, the presider shall call on a member who has not spoken on the issue before recognizing someone who has already spoken.

Board members should avoid personal remarks directed towards individual Board members. The presiding officer shall politely rule all such remarks as out of order.

The Board shall follow the following debate/discussion principles, which were taken from “The Complete . . . Guide to Robert’s Rules”:

“It is a good idea to begin your debate by telling the members which side you are speaking on...”

“Organize your thoughts. Pay close attention to your delivery. Speak clearly and slowly, project your voice, and say it like you mean it. Organize your thoughts into two or three main points and

communicate them during your debate time...Keep focused on the major reasons why you have taken your stand. Consider this as part of your meeting preparation.” It’s a good idea to bring your concise notes to the meeting with you and actually take notes during the meeting to help you frame your debate/discussion comments.

“Only speak when called on” [by the presiding officer].

“Direct all comments to the chair. Avoid directing comments to another member.”

“Don’t be disruptive. Side conversations are not allowed. Neither is walking around the room in a manner that is disruptive to the meeting.”

“You can make corrections. If you hear information that you know is inaccurate, you have the right to call attention to the inaccuracy and to have the accurate information shared with the group. ... this must be done politely.”

Rule 13. Quorum

A majority of the Board, including the Mayor but excluding vacant seats, shall constitute a quorum. A majority is more than half. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining a quorum.

Rule 14. Minutes

A. Regular, special, recessed and emergency meeting minutes: The Town Clerk will attend the meetings and prepare full and accurate minutes. The minutes will be a detailed account of the meeting, with statements attributed to individual Board members and speakers at the meeting. Staff and Board members shall review the minutes while they are in draft form, and advise the Town Clerk of any changes that should be made. The Town Clerk will make the appropriate changes to the draft minutes. The draft minutes will be on the consent agenda at a subsequent meeting for Board approval. The Town Clerk may correct typographical errors to the minutes after the Board has approved them, but no substantive changes may be made to the minutes without Board approval.

B. Closed Session Minutes. Closed session minutes will be prepared by the Town Manager and/or Town Attorney in accordance with all applicable state laws and approved in closed session.
