



Chapter 2

ADMINISTRATION*

* **Cross References:** Any ordinance or resolution promising or guaranteeing the payment of money for the county or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness saved from repeal, § 1-10(2); any contract or obligation assumed by the county saved from repeal, § 1-10(3); emergency management and services, ch. 8; administration of abandoned and junked motor vehicle policy, § 10-32; facilities, ch. 12; human relations, ch. 14; law enforcement, ch. 16; administration and application of public and private road provisions, § 20-34; utilities, ch. 26.

State Law References: Administration of county government generally, G.S. 153A-76 et seq.

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ARTICLE I.

IN GENERAL

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ARTICLE II.

BOARD OF COMMISSIONERS*



* **State Law References:** Board of commissioners to organize county government, G.S. 153A-76.

DIVISION 1.

GENERALLY

Secs. 2-31--2-50. Reserved.

DIVISION 2.

RULES OF PROCEDURE

Sec. 2-51. Applicability of division provisions.

The rules in this division apply to all meetings of the county board of commissioners at which the board is empowered to exercise any of the executive, quasijudicial, administrative, or legislative powers conferred on it by law.

(Ord. of 4-10-1999, rule 1)

Sec. 2-52. Open meetings.

(a) It is the public policy of the state and of the county that the hearings, deliberations, and actions of this board and its committees be conducted openly.

(b) Except as otherwise provided in the rules of this division and in accordance with applicable law, each official meeting of the county board of commissioners shall be open to the public, and any person is entitled to attend such a meeting.

(c) For the purposes of the provisions of the rules of this division 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.

(Ord. of 4-10-1999, rule 2)

Sec. 2-53. Closed sessions.

(a) Notwithstanding the provisions of section 2-52, the board may hold a closed session and exclude the public under the following circumstances and no others, to:

- (1) Prevent the disclosure of information that is privileged or confidential pursuant to the law of this state or of the United States, or is not considered a public record within the meaning of G.S. ch. 132.



- (2) Consult with the county attorney or another attorney employed or retained by the county in order to preserve the attorney-client privilege.
- (3) Discuss matters relating to the location or expansion of industries or other businesses in the county.
- (4) 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.
- (5) 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.
- (6) Consider the 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 of some other public body.
- (7) Hear or investigate a charge or complaint by or against an individual public officer or employee.
- (8) Plan, conduct or hear reports concerning investigations of alleged criminal misconduct.

(b) The board may go into closed session only upon motion made and adopted at an open meeting. A motion to go into closed session must cite one or more of the permissible purposes listed in subsection (a) of this section. In addition, a motion to go into closed session pursuant to subsection (a)(1) of this section 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 subsection (a)(2) of this section 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.

(Ord. of 4-10-1999, rule 3)

Sec. 2-54. Organizational meeting.

The board shall hold an organizational meeting at its regular meeting place at 7:00 p.m. on the first Monday in December of each year. The agenda for this organizational meeting shall be limited to induction of newly elected members of the board of county commissioners and other elected county officials and organization of the board for the ensuing year. The organizational meeting shall be convened and concluded before the regular December meeting is convened. The county attorney shall call the meeting to order and shall preside until a chair is elected. If they have not already been sworn and inducted into office, the newly elected members of the board shall take and subscribe the oath of office as the first order of business. As the second order, the board shall elect a chair and vice-chair from among its members.

(Ord. of 4-10-1999, rule 4)



Sec. 2-55. Election of the chair.

The chair and vice-chair of the board shall be elected annually for a term of one year and shall not be removed from the office unless they becomes disqualified to serve as a member of the board.

(Ord. of 4-10-1999, rule 5)

Sec. 2-56. Meetings.

(a) *Regular meetings.* The board shall hold a regular meeting on the first Monday of each month, with the following exceptions:

- (1) The September board of commissioners meeting will be on the Monday following Labor Day at 7:00 p.m. due to Labor Day being the first Monday of September.
- (2) If any other regular meeting day is a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting.
- (3) Regular meetings shall be held at the county commissioner's room and shall begin at 7:00 p.m.

The board may change the place or time of a particular regular meeting or all regular meetings within a specified time period by resolution adopted, posted, and noticed no less than 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, and copies shall be sent to all persons who have requested notice of special meetings of the board.

(b) *Special meetings.* The chair or a majority of the members of the board 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 persons who call the meeting shall cause the notice to be posted on the principal bulletin board of the county and/or the door of the regular meeting place and delivered to the chair and all other board members or left at the usual dwelling place of each member at least 48 hours before the meeting. In addition, the notice shall be mailed or delivered to individual persons and news media organizations who have requested such notice as provided in subsection (d) of this section. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

(c) *Emergency meetings.* If a special meeting is called to deal with an unexpected circumstance that requires immediate consideration by the board, the notice requirements of this section do not apply. However, the persons who call an emergency meeting shall take reasonable action to inform the other members and the public of the meeting. Local news organizations who have requested notice of special meetings as provided in subsection (d) of this section, shall be notified of such emergency meetings by the same method used to notify board members. Only business connected with the emergency may be discussed at the meeting.

(d) *Sunshine list.* Any individual person and any newspaper, wire service, radio station, and television station may file with the clerk of the board of commissioners a written request for notice of all special meetings of the board. Requests by individuals must be renewed annually and are subject to a nonrefundable



annual fee to be set from time to time by resolution of the board of commissioners. Requests made by news media organizations must also be renewed annually and are not subject to any fee.

(e) *Work sessions and committee meetings.* The board may schedule work sessions, committee meetings, or other informal meetings of the board or a majority of the members of the board at such times and with respect to such subject matters as may be established by resolution or order of the board. A schedule of any such meetings that are held on a regular basis shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held on a regular schedule are subject to the same notice requirements as special board meetings.

(Ord. of 4-10-1999, rule 6)

Sec. 2-57. Meetings to be held within the county.

- (a) The board of commissioners shall hold all its meetings within the county except:
- (1) In connection with a joint meeting of two or more public bodies; provided, however, that such a meeting shall be held within the boundaries of the political subdivision represented by the members of one of the public bodies present.
 - (2) In connection with a retreat, forum, or similar gathering held solely for the purpose of providing members of the board with general information relating to the performance of their public duties; provided, however, that members of the board of commissioners shall not vote upon or otherwise transact public business while in attendance at such a gathering.
 - (3) In connection with a meeting between the board of commissioners and its local legislative delegation during a session of the General Assembly; provided, however, that at any such meeting the members of the board of commissioners may not vote upon or otherwise transact business except with regard to matters directly relating to legislation proposed to or pending before the General Assembly.
 - (4) While in attendance at a convention, association meeting or similar gathering; provided, however, that any such meeting may be held solely to discuss or deliberate the board's position concerning convention resolutions, elections of association officers and similar issues that are not legally binding upon the board of commissioners or its constituents.

(b) All meetings held outside the county shall be deemed "official meetings" within the meaning of G.S. 143-318.10(d).

(Ord. of 4-10-1999, rule 7)

State Law References: Similar provisions, G.S. 143-318.10(d).

Sec. 2-58. Broadcasting and recording meetings.

(a) Except as provided in this section, any radio or television station is entitled to broadcast all or any part of an official meeting of the board that is required to be open to the public. Any person may photograph, film, tape record, or otherwise reproduce any part of a meeting required to be open.



(b) Any radio or television station wishing to broadcast any portion of an official meeting of the board shall so notify the county manager no later 24 hours before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site in the county office building is available, the county manager may require the news media either to pool equipment and personnel or to secure and pay the costs of an alternative meeting site that is mutually agreeable to the board and media representatives.
(Ord. of 4-10-1999, rule 8)

Sec. 2-59. Agenda.

(a) *Generally.* The clerk of the board, county manager and chair shall prepare the agenda for each regular, special, and emergency meeting. Any board member may, by a timely request, have an item placed on the agenda. 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 member of the board at least 72 hours before the meeting. 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 usual dwelling. The board may, by majority vote, add an item that is not on the agenda.

(b) *Informal public comments.* The agenda of each regular meeting shall include a section allowing for comments or questions from members of the public in attendance. The chair will first recognize individuals or groups who have made a prior appointment to be heard, and then may recognize others, subject to available time. The chair may specify the time allotted to each speaker.

(c) *Order of business.* At regular meetings, the board shall proceed to business in the following order:

- (1) Approval of the minutes of the previous meeting.
- (2) Scheduled public hearings.
- (3) Scheduled appointments.
- (4) Public petitions.
- (5) Other business.
- (6) Administrative reports.
- (7) Committee reports.

Without objection, the chair may call items in any order most convenient for the dispatch of business.
(Ord. of 4-10-1999, rules 9--11)



Sec. 2-60. Conduct of debate.

(a) *Powers of the chair.* The chair shall preside at all meetings of the board. A member must be recognized by the chair in order to address the board. The chair shall have the following powers:

- (1) To rule on points of parliamentary procedure, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
- (2) 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;
- (3) To call a brief recess at any time;
- (4) To adjourn in an emergency.
- (5) The chair may participate or engage in debate and all matters before the board.

(b) *Action by the board.* The board shall proceed by motion. Any member, including the chair, may make a motion.

(c) *One motion at a time.* A member may make only one motion at a time.

(d) *Substantive motion.* A substantive motion is out of order while another substantive motion is pending.

(e) *Adoption by majority vote.* A motion shall be adopted if approval by a majority of the votes cast, a quorum being present, unless an extraordinary majority is required by this division or the laws of the state.

(f) *Presiding officer.* The chair shall state the motion and then open the floor to debate, presiding over the debate according to these general principles:

- (1) The member making the motion or introducing the ordinance, resolution, or order is entitled to speak first.
- (2) A member who has not spoken on the issue shall be recognized before someone who has already spoken.
- (3) To the extent possible, the debate shall alternate between opponents and proponents of the measure.

(g) *Procedural motions.*

- (1) In addition to substantive proposals, the procedural motions listed in subsection (g)(2) of this section, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption:



- (2) In order of priority (if applicable), the procedural motions are to:
- a. 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.
 - b. Take a recess.
 - c. Call to follow the agenda. The motion must be made at the first reasonable opportunity or it is waived.
 - d. Suspend the rules. The motion requires a vote equal to a quorum.
 - e. Divide a complex motion and consider it by paragraph.
 - f. Defer consideration. A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.
 - g. Call the previous question. The motion is not in order until every member has had at least one opportunity to speak.
 - h. Postpone to a certain time or day.
 - i. Refer to committee. Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the board.
 - j. 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 amendment to a proposed ordinance shall be reduced to writing.
 - k. Revive consideration. The motion is in order at any time within 100 days of a vote deferring consideration of it. A substantive motion on which consideration has been deferred expires 100 days after the deferral, unless a motion to revive consideration is adopted.
 - l. Reconsider. The motion must be made at the same meeting at which the original vote was taken, and by a member who voted with the prevailing side. The motion cannot interrupt deliberation on a pending matter but is in order at any time before adjournment.
 - m. Prevent reconsideration for six months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months or until the next regular election of county commissioners, whichever occurs first.



(h) *Renewal of motion.* A defeated motion may not be renewed at the same meeting.

(i) *Withdrawal of motion.* A motion may be withdrawn by the introducer at any time before the chair puts the motion to a vote.

(j) *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 members from voting on matters involving their own financial interest or official conduct. A member who wishes 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.

(k) *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 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, at which time they may be destroyed.

(l) *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.

(m) *Introduction of ordinances, resolutions, and orders.* A proposed ordinance shall be deemed introduced at the first meeting at which it is on the agenda, regardless of whether it is actually considered by the board, and its introduction shall be recorded in the minutes.

(n) *Adoption, amendment, or repeal of ordinances.* To be adopted at the meeting where first introduced, an ordinance or any action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order, or another ordinance requiring a public hearing before adoption) must be approved by all members of the board of commissioners. If the proposed measure is approved by a majority of those voting but not by all the members of the board, or if the measure is not voted on at the meeting where introduced, it shall be considered at the next regular meeting of the board. If the proposal receives a majority of the votes cast at the next meeting or within 100 days of being introduced, it is adopted.

(o) *Quorum.* A majority of the board membership shall constitute a quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members present, he 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.

(p) *Public hearings.* Public hearings required by law or deemed advisable by the board shall be organized by a special order, adopted by a majority vote, setting forth the subject, date, place, and time of hearing as well as any 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 shall declare the hearing ended and the board shall resume the regular order of business.

- (q) *Quorum at public hearings.* A quorum of the board shall be required at all public hearings required by law.
- (r) *Minutes.* Minutes shall be kept of all board meetings.
- (s) *Appointments.*
 - (1) 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.
 - (2) The chair shall open the floor to nominations, whereupon the members shall put forward and debate names of possible appointees. When debate ends, the chair shall call the roll of the members, and each member shall vote. The votes shall not be tallied until each member has voted.
 - (3) 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 failing to do so does not invalidate that member's ballot.
- (t) *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, Newly Revised, to resolve procedural questions.
(Ord. of 4-10-1999, rules 12--32)

Secs. 2-61--2-90. Reserved.

ARTICLE III.

OFFICERS AND EMPLOYEES*

* **Cross References:** Any ordinance fixing the salary of any county officer or employee saved from repeal, § 1-10(4); any ordinance related to social security and retirement benefits for county officers and employees saved from repeal, § 1-10(12); animal control officers, § 4-35.

State Law References: County personnel, G.S. 153A-92 et seq.

Sec. 2-91. Fee schedule.

(a) *Adoption.* Pursuant to and in accordance with G.S. 153A-102, Appendix A, entitled "Fee Schedules," attached to and made a part of this section by reference, is hereby adopted to fix the schedule of fees and commissions to be charged by the county officers and employees for performing the services and duties permitted or required by law and set forth in such fee schedules.



(b) *Amendment.* The fee schedules set forth in such Appendix A and adopted hereby are incorporated in this section by reference and may be amended in whole or in part by the board of county commissioners from time to time.

(c) *Maintenance.* Official copies of such fee schedules as adopted hereby and as they may be subsequently amended shall be maintained in the county finance department and planning department. (Ord. of 6-3-2002, §§ 1--3)

State Law References: Board of commissioners to fix fees charged by county officers and employees for performing services, G.S. 153A-102.

Secs. 2-92--2-120. Reserved.

ARTICLE IV.

BOARDS, COMMISSIONS AND COMMITTEES* (RESERVED)

* **Cross References:** County emergency medical services advisory council, § 8-124.

State Law References: Authority of board of commissioners over boards, commissions and agencies, G.S. 153A-77.
