

Town of Oak Island

Council Rules of Procedure

Rule 1. Regular Meetings

The council shall hold a regular meeting on the second Tuesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at the Oak Island Recreation Center until the council chambers are available at the new Oak Island Town Hall and shall begin at 6:00 p.m. A copy of the council's current meeting schedule shall be filed with the town clerk. The town council may revise the regular meeting schedule by majority vote during a regular meeting as provided in G.S. 143-318.12(a).

Rule 2. Special, Emergency and Recessed Meetings

(a) Special Meetings. The mayor, the mayor pro-tempore, or a majority of council members may at any time call a special council meeting by signing and filing with the town clerk for distribution a written notice stating the time and place of the meeting and the subjects to be considered. Appropriate background information for each item of business specified in the notice shall be delivered to the town clerk as soon as possible. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the mayor and each council member or left at his or her usual dwelling place; (2) posted on the council's principal bulletin board, or if none, at the door of the council's usual meeting room; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner.

A special council meeting may also be called or scheduled by a majority vote of the town council in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place and purpose. Appropriate background information for each item of business specified in the notice shall be delivered to the town clerk as soon as possible. At least forty-eight hours before a special meeting called in this manner, written notice of the time, place and purpose of the meeting shall be (1) posted on the council's principal bulletin board, or if none, at the door of the council's usual meeting room; and (2) mailed or delivered to each newspaper, wire service, radio station, television station and person who has filed a written request for notice with the town clerk. Such notice shall also be mailed or delivered at least forty-eight hours before the meeting to each council member not present at the meeting at which the special meeting was called or scheduled and to the mayor if he or she was not present at that meeting. Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner.

The town clerk shall prepare and distribute an agenda package for a special meeting as soon as possible that includes appropriate background information for each item of business specified in the notice.

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

(1) The mayor, the mayor pro-tempore or a majority of council members may at any time call an emergency meeting by signing and filing with the town clerk for distribution a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each council member 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 council members are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the council complies with the notice provisions of the next paragraph.

Notice of an emergency meeting under (1) or (2) shall be given to each local newspaper, local wire service, local radio station and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire service's or station's telephone number, with the town clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the council members and shall be given at the expense of the party notified.

The town clerk may or may not prepare and distribute an agenda package for an emergency meeting depending on the nature of the business connected with the emergency and the procedure followed to call the meeting.

(c) Recessed Meetings. A properly called regular, special or emergency council meeting may be recessed to a time and place certain by a procedural motion made and adopted as provided in Rule 17(b), Motion 2, in open session during the regular, special or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed session of a properly called regular, special or emergency meeting. An agenda or agenda package will not be prepared for a recessed meeting.

Rule 3. Organizational Meeting

On the date and at the time of the regular meeting in December following a general election in which the mayor and council members are elected, or at an earlier date, if any, set by the incumbent town council, the newly elected mayor and council members shall take and subscribe the oath of office as the first order of new business. As the second order of new business, the town council shall elect from its members a mayor pro-tempore who shall serve a one-year term. As the third order of business, the town council shall adopt a regular meeting schedule for the next calendar year as provided in Rule 1. As its fourth order of business, the town council shall call and schedule a council retreat as provided for in Rule 24(3). This organizational meeting shall not be held before the municipal election results are officially determined, certified and published in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes.

Rule 4. Regular Meeting Agenda

(a) Proposed Agenda. The town clerk shall prepare a proposed agenda for each regular meeting. A request to have an item of business placed on the proposed agenda must be delivered to the town clerk by 4:00 p.m. on the first Tuesday of the month, and be accompanied by appropriate background information. Any council member, the mayor or the town manager may, by a timely request, have an item placed on the proposed agenda. An agenda package shall be prepared by the town clerk that includes appropriate background information for each item of business placed on the proposed agenda. A copy of the proposed agenda and agenda package shall be placed in the mayor's and each council member's box in town hall by 1:00 p.m. on the first Friday of the month. A copy of the proposed agenda and agenda package shall be available in the lobby of town hall for public inspection and/or copying and distributed to the official interested parties list as established in Rule 24(4) when they are distributed to the mayor and council members.

(b) Public Comments to the Council. As its first order of business after the last scheduled public hearing, if any, the town council shall provide a public comment period to receive citizen requests and comments on any proposed agenda item and to receive general comments. The public comment period shall be conducted according to the rules for public hearings as provided for in Rule 24(2)(a), (b) and (c).

(c) Presentations to the Council. Any individual or group who wishes to make a presentation to the council shall make a written request to be on the agenda to the town manager by 12:00 noon on the first Tuesday of the month. The request shall include a brief description of the topic, the length of time requested to make the presentation, appropriate background information, and suggestions for town council action, if any. The request may be placed on the agenda at the town manager's discretion.

(d) Amendment to the Proposed Agenda. Agenda items with appropriate background information delivered to the town clerk after 4:00 p.m. on the first Tuesday of the month but before the agenda package is prepared may be placed on the proposed agenda and included in the agenda package at the town clerk's discretion.

As its first order of business after presentations, proclamations and recognitions, at each regular meeting, the town council shall briefly discuss and revise the proposed agenda, if needed, and adopt the agenda for the meeting. The town council by majority vote may add items to, subtract items from, or change the order of items on the proposed agenda. A copy of all relevant documents must be provided to the mayor, all council members, the town manager, the town attorney, the town clerk, and the media (if present) when additions to the agenda are proposed at the meeting. The town council may designate certain agenda items "for discussion and possible action". Such designation means that the town council intends to discuss the general subject area of that agenda item before making any motion concerning that item.

(e) Consent Agenda. The town council may designate a part of the agenda as the "consent agenda". Items shall be placed on the consent agenda by those preparing the proposed agenda if the items are judged to be non-controversial and routine. Any council member may remove an item from the consent agenda and place it on the regular agenda while the proposed agenda is being discussed and revised prior to its adoption. The consent agenda shall be adopted by unanimous vote of those council members present at the meeting in a single motion without debate.

Rule 5. Open Meetings Requirements

The town council 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 regular, special, emergency or recessed meeting of the council to understand what is being deliberated, voted or acted on. The town council may, however, deliberate, vote or otherwise take action by reference to an agenda, if copies of the agenda -- sufficiently worded to enable the public to understand what is being deliberated, voted or acted on -- are available for public inspection at the meeting.

Rule 6. Order of Business

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as published and may be amended as necessary as provided in Rule 4(d).

Rule 7. Office of Mayor

The mayor is elected as such by the voters. The mayor shall execute documents as approved by the town council on behalf of the town. The mayor shall preside at all meetings of the council but shall have the right to vote only when there is a tie. In order to make a motion or speak during discussion or debate, a council member must be recognized by the mayor except as otherwise provided in Rule 17(b).

The mayor or other presiding officer shall have the following powers:

- (a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- (b) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other council members on this ground;
- (c) To entertain and answer questions of parliamentary law or procedure;
- (d) To call a brief recess at any time;
- (e) To adjourn in an emergency.

A decision by the presiding officer under (a), (b) or (c) may be appealed to the town council upon motion of any council member, pursuant to Rule 17(b), Motion 1. Such a motion is in order immediately after a decision under (a), (b) or (c) is announced and at no other time. The council member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

Rule 8. Office of Mayor pro-tempore

As the second order of business at the December regular meeting, the town council shall elect from among its members a mayor pro-tempore to serve a one-year term. A council member who serves as mayor pro-tempore shall be entitled to vote on all matters and shall be considered a council member for all purposes, including the determination of whether a quorum is present. If the mayor is absent from a council meeting, the mayor pro-tempore shall perform the mayor's powers and duties as presiding officer. If both the mayor and mayor pro-tempore are absent from a council meeting, the town council may elect from among its members a temporary chairman to preside at the meeting. If the mayor should become physically or mentally unable to perform the duties of his or her office, the town council may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the mayor pro-tempore. When a mayor declares that he or she is no longer incapacitated, and a majority of the town council concurs, the mayor shall resume the exercise of his or her powers and duties.

Rule 9. When the Presiding Officer Is in Active Debate

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

Rule 10. Action by the Town Council

The town council shall proceed by motion, except as otherwise provided for in Rule 4(d) and in Rule 30(a). Any council member may make a motion.

Rule 11. Second Required

All motions except a call to follow the agenda, parliamentary inquiry and point of information shall require a second.

Rule 12. One Motion at a time

A council member may make only one motion at a time.

Rule 13. Substantive Motions

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

Rule 14. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 26 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

Rule 15. Debate

The mayor shall state the motion and then open the floor to debate on it. The mayor shall preside over the debate according to the following general principles:

- (a) The maker of the motion is entitled to speak first;
- (b) A council member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (c) To the extent possible, the debate shall alternate between proponents and opponents of the motion.

Rule 16. Ratification of Actions

To the extent permitted by law, the town council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Rule 17. Procedural Motions

(a) Certain Motions Allowed. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, a procedural motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

(b) Order of Priority of Motions. In order of priority (if applicable), the procedural motions are:

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. (Not amendable) A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the town council, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The council member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Motion 2. To Recess to a Time and Place Certain. This motion may be made only at the conclusion of town council consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess to a time and place certain shall also comply with the requirements of Rule 2(c).

Motion 3. To Take a Brief Recess. (Not debatable or amendable) In order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending.

Motion 4. Call to Follow the Agenda. (Not debatable or amendable) The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question. The council member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order. The motion does not require a second and no vote is taken.

Motion 5. Parliamentary Inquiry. (Not debatable or amendable) A request for the presiding officer's opinion on a matter of procedure as it relates to the business at hand not involving a ruling. The council member making the motion need not be recognized by the presiding officer. The motion does not require a second and no vote is taken.

Motion 6. Point of Information. (Not debatable or amendable) A request for information relevant to the business at hand but not related to procedure directed to the presiding officer or through the presiding officer to a council member, the town manager or his designee, the town attorney, or the town clerk. The council member making the motion need not be recognized by the presiding officer. The motion does not require a second and no vote is taken.

Motion 7. To Suspend the Rules. (Not debatable or amendable) The town council may not suspend provisions of the rules that state requirements imposed by law on the council. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats.

Motion 8. To Go into Closed Session. The council may go into closed session for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of that law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318.11(a)(3) shall identify the parties in each existing lawsuit concerning which the council expects to receive advice during the closed session, if in fact such advice is to be received.

Motion 9. To Leave Closed Session. (Not debatable or amendable)

Motion 10. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a council member wishes to consider and vote on subparts of a complex motion separately.

Motion 11. To Defer Consideration. (Not amendable) The town council may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A council member who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 17(b), Motion 16], or else move to suspend the rules [Rule 17(b), Motion 7].

Motion 12. For the Previous Question. (Not amendable) The motion is not in order until there have been at least 20 minutes of debate, and every council member has had an opportunity to speak once.

Motion 13. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A council member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules [Rule 17(b), Motion 7].

Motion 14. To Refer a Motion to a Committee. The town council may vote to refer a substantive motion to a committee for its study and recommendations. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the motion by the town council, whether or not the committee has reported the matter to the town council.

Motion 15. To Amend.

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed ordinance, order, policy or resolution shall be reduced to writing before the vote on the amendment.

Motion 16. To Revive Consideration. (Not amendable) The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 11 of Rule 17(b). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

Motion 17. To Reconsider. (Not amendable) The town council may vote to reconsider its action on a matter. The motion to do so must be made by a council member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

Motion 18. To Rescind or Repeal. The town council may vote to rescind actions it has previously taken or to repeal items that is has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

Motion 19. To Prevent Reintroduction 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 for adoption a vote equal to two-thirds of the actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the council, whichever occurs first.

Rule 18. Renewal of Motion

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

Rule 19. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

Rule 20. Duty to Vote

Every council member must vote unless excused by the remaining council members according to law. A council member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining council members. No council member shall be excused from voting except upon matters involving the consideration of his or her own financial interest or official conduct. In all other cases, a failure to vote by a council member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining council members present, shall be recorded as an affirmative vote.

Rule 21. Introduction of Ordinances

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

Rule 22. Adoption of Ordinances and Approval of Contracts

(a) Generally. An affirmative vote equal to a majority of all council members not excused from voting on the question in issue (including the mayor's vote in case of an equal division) shall be required to adopt an ordinance, to take any action that has the effect of an ordinance, or to make, ratify or authorize any contract on behalf of the town. In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all the actual membership of the council, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the council. No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

(b) Zoning Protest Petitions. An affirmative vote equal to three-fourths of all council members, excluding vacant seats and members who are excused from voting, shall be required for an ordinance making a change in a zoning regulation, restriction or boundary to become effective, if a valid protest petition is received in accordance with the requirements set out in G.S. 160A-385(a) and G.S. 160A-386. This rule shall not apply in those cases excepted by G.S. 160A-385(a).

Rule 23. Adoption of the Budget Ordinance

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

- (1) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the council by a simple majority of those present and voting, a quorum being present;
- (2) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the town council; and
- (3) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

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

Rule 24. Special Rules of Procedure

(1) Filling Council Vacancies. Council vacancies shall be publicized in the local newspaper and/or other media for two consecutive weeks and application(s) accepted by the town clerk. Consideration shall be given first to applicants, if any, who ran in the most recent election and received significant voter support. If no one from the election applies, or is selected, then proceed to consider all other applicants. Close the procedure and fill the vacancy(ies) within two regular scheduled council meetings. Appointment(s) to fill vacancy(ies) shall be made only at regular scheduled monthly council meetings. The town council may not consider or fill a vacancy in the mayor's seat or among its own membership except in open session.

(2) Public Hearings - Speakers and Written Comments.

(a) The mayor will recognize all persons who indicate a desire to speak by directing each person, one at a time, to proceed to the podium. Each speaker will be allotted at least 3 minutes to comment. Two additional minutes may be allotted at the discretion of the mayor. The designated timekeeper will be the town clerk, who will begin timing the speaker after recording the speaker's name and address for the public record. At the end of the allotted time, a speaker may also submit written comments to the town clerk, who will copy written comments to the mayor and all council members the following business day, if a sufficient number of copies is not provided by the speaker.

(b) All persons may also submit written comments to the town clerk at Town Hall via e-mail, fax or letter delivered in person or by the postal service no later than 12:00 noon on the date the public hearing is scheduled. The town clerk will copy written comments submitted prior to the public hearing to the mayor and all council members before the hearing is called to order and will read or summarize these written comments during the hearing to enter them into the public record.

(c) A speaker's comments may be summarized in the meeting minutes if a legible written copy is not submitted to the town clerk.

(d) The following statement will be published in every public hearing notice: "Each speaker will be allotted at least 3 minutes. Two additional minutes may be allotted at the discretion of the mayor. Written comments may be submitted for the record to the town clerk no later than 12:00 noon the day of the hearing, or during the hearing."

(e) Quasi-judicial hearings are exempt from these procedures.

(3) Annual Council Retreat. As an order of new business at its December regular meeting, the town council shall call and schedule the annual council retreat as provided in Rule 2(a) specifying a time during regular business hours in the month of January at a place

within the corporate limits of the town for the purpose of informal discussion of town business without public comment to develop a list of items for future action by town council during the coming year. Items will be placed on the list by consensus or a majority vote of council members. A request to have a topic for discussion placed on the retreat agenda must be delivered to the town clerk no later than 5 business days prior to the date of the retreat and be accompanied by appropriate background information. The mayor, any council member or the town manager may, by a timely request, have a topic for discussion placed on the retreat agenda.

(4) Official Interested Parties List. The town clerk shall maintain a distribution list of interested parties who submit a written request to receive a copy of the proposed agenda and/or agenda package for a regular, special and/or emergency council meeting.

All interested parties except the media will be charged for the cost of reproduction of the agenda package according to the fee schedule for general charges.

Rule 25. Closed Sessions

The council may hold closed session as provided by law. The council 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. If the motion is based on G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The town council shall terminate the closed session by a majority vote.

Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

The mayor, a council member or other person in attendance shall not divulge to any person not in attendance the nature of discussions or any information obtained during any closed session or any information received in any confidential communication whether or not the same was obtained during the course of any closed session.

Closed session minutes, once subject to public inspection, should serve to inform the public of the content of the closed session.

Rule 26. Quorum

A majority of the membership of the town council, plus the mayor, excluding vacant seats, shall constitute a quorum. A majority is more than half. The mayor or a council member who has withdrawn from a meeting without being excused by majority vote of the remaining council members present shall be counted as present for purposes of determining whether or not a quorum is present.

Rule 27. Public Hearings

Public hearings required by law or deemed advisable by the town council shall be organized by a special order (adopted by a majority vote) that sets forth the subject, date, place and time of the hearing, as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same position when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to council meetings shall also apply to public hearings at which a majority of the council is present; such a hearing is considered to be part of the regular or special meeting of the council. These requirements also apply to hearings conducted by appointed or elected committees of the town council, if a majority of the committee is present. A public hearing for which any notices required by the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the council is present.

The town council may vote to delegate to town staff members, as appropriate, the authority to schedule, call and give notice of public hearings required by law or the town council. The town council shall provide adequate guidelines to assist staff members in fulfilling this responsibility, and it shall not delegate the responsibility in cases where the town council itself is required by law to call, schedule or give notice of the hearing.

At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall entertain a motion to end the hearing.

Rule 28. Quorum at Public Hearings

A quorum of the council shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular council meeting without further advertisement.

Rule 29. Minutes

Full and accurate minutes of the council proceedings, including closed sessions, shall be kept by the town clerk. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any council member, the “ayes” and “nos” upon any question shall be taken. Comments may be included in the minutes if the town council approves.

The town clerk shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. Minutes and general accounts of closed sessions may be sealed by action of the town council. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

Rule 30. Committees and Boards

(a) Establishment and Appointment. The town council may establish and appoint members for such ad-hoc and standing town committees and boards as are needed to help carry on the work of town government. Any specific provision of law relating to particular committees and boards shall be followed.

The town council may consider and make appointment to other bodies, including its own committees and boards, if any, only in open session during regular scheduled monthly council meetings.

Ad-hoc committees shall be given a specified period of time to accomplish their objectives and shall give progress reports to council at regular intervals. Ad-hoc committees shall be automatically dissolved upon the presentation of a final report to council.

Members of all standing committees shall be appointed to three-year staggered terms of office so that approximately one-third of the membership is appointed annually.

No member of any ad-hoc or standing committee or board shall continue to serve as a member after becoming the mayor or a council member and shall resign at the end of the last committee or board meeting preceding installation.

Advertisements to solicit applications from citizens for appointment to all ad-hoc and standing committees and boards shall initially be published in the local newspaper for a minimum of two consecutive weeks and posted on the town website and GTV-8 until the opening is filled. The deadline for receiving applications for consideration by town council shall be the same as the deadline for proposed agenda items in Rule 4(a). Applications received after the deadline may be added to the agenda as provided in Rule 4(d).

All applications for appointment to any ad-hoc or standing committee or board shall be placed in nomination by the mayor and may be debated. When the debate ends, as the mayor calls the roll of the nominees, each council member may cast his or her vote. If more than one appointment is to be made, then each council member shall have as many votes as there are positions to be filled. A council member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single nominee. Votes from a majority of the council members present shall be required for appointment. The mayor shall not have a right to vote on appointments that come before the town council.

Town council sub-committees of up to two council members may be established as needed to focus on a specific task and/or make recommendations to the full council on a particular subject. One or more administrative staff liaisons may also be assigned, if appropriate, upon recommendation by the Town Manager. Town council sub-committees shall be approved by a majority vote of the town council only in open session during regular scheduled monthly council meetings. Consideration shall be given to requests for appointment by individual council members and to nomination by the mayor or any council member.

(b) Open Meetings Law. The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils or other bodies of the town that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative or advisory functions. However, the law’s requirements shall not apply to a meeting solely among the town’s professional staff.

Rule 31. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the town charter, general law and generally accepted principles of parliamentary procedure. Adoption of an amendment shall require an affirmative vote equal to or greater than two-thirds of all the actual membership of the council, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the council.

Rule 32. Interpretation of Terms

The terms listed below shall be interpreted as follows to be consistent with the Charter for the Town of Oak Island:

“Town council” means all council members and does not include the mayor.

“Council” means the mayor and all council members

“Council member” means a member entitled to vote on all matters and includes the mayor pro-tempore.

“Delivered” includes but is not limited to via e-mail or fax.

Appendix

Permitted Procedural Motion in Order of Precedence¹

Motion		Vote Required ²	Special Requirements	Debatable	Amendable
1.	To Appeal a Procedural Ruling of the Presiding Officer	Majority	Is in order immediately after the presiding officer announces a procedural ruling, as specified in Rule 7, and at no other time. The council member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.	Y	N
2.	To Recess to a Time and Place Certain	Majority	May not interrupt deliberation of pending substantive matter. Motion to recess to a time and place certain must also comply with Rule 2(c).	Y	Y
3.	To Take a Brief Recess	Majority	None	N	N
4.	Call to Follow the Agenda	None	Must be made at first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.	N	N
5.	Parliamentary Inquiry	None	The council member making the motion need not be recognized by the presiding officer. No second required. No vote taken.	N	N
6.	Point of Information	None	The council member making the motion need not be recognized by the presiding officer. No second required. No vote taken.	N	N
7.	To Suspend the Rules	Two-Thirds	The town council may not suspend provisions of the rules that state requirements imposed by law on the council	N	N

Motion	Vote		Special Requirements	Debatable	Amendable
	Required	2			
8. To Go into Closed Session	Majority		Motion must cite one or more of the permissible purposes for closed sessions listed in G.S. 143-318.11(a) and must be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) must also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-381.11(a)(3) must identify the parties in each existing lawsuit concerning which the council expects to receive advice during the closed session, if in fact, such advice is to be received.	Y	Y
9. To Leave Closed Session	Majority			N	N
10. To Divide a Complex Motion and Consider It by Paragraph	Majority		None	Y	Y
11. To Defer Consideration	Majority		A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration (Motion 16) is adopted. While a deferred motion remains pending, a new motion with the same effect cannot be introduced. CAUTION: Do not confuse with Motion 13.	Y	N
12. For the Previous Question	Majority		Not in order until there have been at least 20 minutes of debate, and every council member has had an opportunity to speak once.	Y	N

Vote

Motion	Required ²	Special Requirements	Debatable	Amendable
13. To Postpone to a Certain Time or Day	Majority	None. While a postponed motion remains pending, a new motion with the same effect cannot be introduced. CAUTION: Do not confuse with Motion 11.	Y	Y
14. To Refer a Motion to a Committee	Majority	60 days or more after a motion is referred to a committee, the introducer may compel consideration of the measure by the town council, regardless of whether the committee has reported the matter to the town council.	Y	Y
15. To Amend	Majority	(a) Amendments must be pertinent to the subject matter of the motion being amended. An amendment is improper if adoption of the motion with that amendment added has the same effect as rejection of the original motion. A proposal to substitute a different motion shall be treated as a motion to amend. (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote. (c) Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.	Y	Y
16. To Revive Consideration	Majority	In order at any time within 100 days after the day of a vote to defer consideration (Motion 11). Failure to adopt Motion 16 within the 100 day period results in expiration of the deferred substantive motion.	Y	N
17. To Reconsider	Majority	Must be made by a council member who voted with the prevailing side (the majority side except in the case of a tie; in that case, the “nos” prevail). May only be made at the meeting at which the original vote was taken, including any continuation of that meeting through recess to a time and place certain. Cannot interrupt deliberation on a pending matter before final adjournment of a meeting.	Y	N

Motion	Vote Required ²	Special Requirements	Debatable	Amendable
18. To Rescind or Repeal	Majority	Not in order if rescission or repeal of an action is forbidden by law.	Y	Y
19. To Prevent Reintroduction for Six Months	Two-Thirds	In order immediately following defeat of a substantive motion and at no other time. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the council, whichever occurs first.	Y	Y

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1. Except where indicated otherwise, procedural motions may interrupt deliberations on a pending substantive matter.
 2. The required vote for adoption of a procedural motion is generally a majority of the votes cast, a quorum being present. In a few cases, the required vote is a vote equal to two-thirds of the actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats. In a few cases, no vote is taken.

Adopted the 11th day of February 2003

Revised the 8th day of July 2003

Revised the 10th day of December 2003

Revised the 11th day of February 2004

Revised the 13th day of April 2004

Revised the 13th day of July 2004 (Revision deleted - did not pass by 2/3 vote)

Revised the 13th day of December 2005

Revised the 10th day of January 2006

Revised the 14th day of March 2006

Revised the 4th day of December 2009

Revised the 8th day of December 2009

NOTE: Adapted from Suggested Rules of Procedure for a City Council, 3rd ed., 2000 by A. Fleming Bell, II