



RULES OF PROCEDURE FOR THE LINCOLN COUNTY BOARD OF COMMISSIONERS

I. PREAMBLE.

These Rules of Procedure apply to all meetings of the Lincoln County Board of Commissioners at which the Board is empowered to exercise any powers conferred on it by law. While open debate is the foundation of the democratic process, a productive exchange of opinions requires respect and decorum between Commissioners and the public.

II. MEETINGS.

1. Meetings to Be Open.

- (a)** Hearings, deliberations, and actions of the Board are conducted openly in accordance with NCGS 143-318.9.
- (b)** Except as otherwise provided in these rules, and in accordance with state law, each official meeting of the Lincoln County Board of County Commissioners shall be open to the public, and any person may attend.
- (c)** For purposes of the provisions of these Rules, an official meeting of the Board is defined as a meeting, assembly, or gathering together at any time or place or electronically, but only as permitted by state law, for the purpose of conducting hearings, participating in deliberations, voting upon or otherwise transacting public business.

2. Closed Session. Notwithstanding the above provisions, the Board may hold a closed session pursuant to N.C.G.S. §143-318.11.

III. OFFICERS.

- 1. Officers.** The Board has two officers which are a Chair and Vice-Chair. These officers perform the duties prescribed by these rules and North Carolina law.
- 2. Election of Chair and Vice-Chair.** At its first regular meeting in December of each year the Board shall elect a Chair and Vice-Chair for the ensuing year. Upon a vote of "no confidence" by a majority of the Board, a Chair or Vice-Chair may be removed as an officer. Should that occur, a new Chair or Vice-Chair is elected at the same meeting a Chair or Vice-Chair has been removed from office.
- 3. Duties of Officers.** In addition to any duties prescribed by law, the Chair has the following responsibilities:
 - (a)** Preside at meetings of the Board;
 - (b)** Recognize members who are entitled to the floor;
 - (c)** Call a brief recess at any time;

- (d) Set a maximum time allotted to a public speaker at a public hearing;
- (e) Request the designation of a speaker for groups of persons;
- (f) Direct the Clerk to swear in witnesses in matters where the Board sits in a quasi-judicial capacity;
- (g) Enforce the rules relating to debate, order and decorum; and
- (h) Call a Special Meeting at any time.

4. **Absence of Chair.** In the absence of the Chair, the Vice-Chair presides over all meetings. In the absence of both the Chair and Vice-Chair, the members present shall elect a temporary Chair.

IV. MEETINGS.

1. **Regular Meetings.** The regular meetings of the Board are generally held on the first Monday of each month at 6:30 p.m. and the third Monday of each month at 10:00 a.m. in the Board of Commissioners' Room located at 353 N. Generals Blvd., Lincolnton, NC. Unless extended to 12:00 midnight by majority vote, meetings end no later than 11:00 p.m. A unanimous vote is required to extend a meeting past midnight. Meeting days and times may be altered by majority vote. A yearly meeting schedule shall be adopted in November for the following year.
2. **Special Meetings.** Special meetings may be called by the Chair, or a majority of the members of the Board, and comply with applicable law.
3. **Quorum.** A majority number of the Commissioners constitutes a quorum. The number of Commissioners required for a quorum is not affected by vacancy.
4. **Participation via Electronic Means.** Unless an electronic meeting is being conducted in accordance with state law, a Board member's electronic participation in any Regular meeting shall not count towards quorum. Participation of a Commissioner via Electronic Means shall be governed by the Remote Participation Policy adopted September 19, 2022.
5. **Minutes.** Minutes of all meetings must be kept by the Clerk in accordance with state law.

V. AGENDA.

1. **Preparation of the Agenda.**
 - (a) The County Manager, with input from the Chair or other Commissioners, along with assistance from the Clerk and staff, prepares the proposed agenda for each meeting. Agendas, with accompanying materials, should be distributed to the Board on the Wednesday preceding the Monday meeting. All agenda materials should be submitted to the County Manager and Clerk at least 10 days preceding.
 - (b) Regular meeting agendas include a 15-minute time period for Public Comments. Speakers may speak only one time during each public comment period and remarks are limited to three minutes. Public Comment speakers may not use videos or other electronic mediums during the public comment period.
 - (c) The agenda includes time at the conclusion of the meeting for "Comments from County Commissioners" relating to the welfare of Lincoln County. Motions and resolutions are

not in order during Comments from County Commissioners. Each member is allowed, but is not required, to speak briefly with no rebuttal and no yielding of time by another Commissioner.

- (d) Any Commissioner may submit an item for the agenda to the County Manager or Clerk no later than the agenda deadline.
- (e) The Board may, by majority vote, add an item not on the agenda prior to the Agenda being approved.

2. Agenda Items.

- (a) The Board generally conducts business in the following order, although by majority vote the Board may consider an item out of this order:
 - (1) Call to order and determination of quorum
 - (2) Adoption of the Agenda
 - (3) Approval of Minutes
 - (4) Approval of Consent Items
 - (5) Public Hearings
 - (6) Public Comments
 - (7) Department Reports
 - (8) Other Business
 - (9) Comments from Commissioners
 - (10) Closed Session
 - (11) Adjournment
- (b) Each agenda item shall contain a cover sheet with a concise one or two paragraph summary prepared by staff. The summary should include background information on the item, justification for county involvement, short-term and long-term impact on county programs and revenue, action requested or required to be taken by the Board, and a recommendation by the County Manager or appropriate staff.
- (c) Background material necessary for an informed decision by the Board must be included with agenda items.
- (d) Any item requiring a Resolution must be prepared by staff and reviewed by the County Manager and County Attorney before being placed on an agenda.

VI. BOARD ACTION.

- 1. Motions. Board action proceeds by motion. Any Commissioner may make a motion. Seconds are not required. *A Commissioner who makes a motion is not required to vote in favor of the motion.*
- 2. One Motion at a Time. A Commissioner may make only one motion at a time.
- 3. Withdrawal of Motion. A Commissioner who introduces a motion may withdraw the motion unless the motion has been amended or put to a vote.
- 4. Debate. The Chair shall state the motion then opens the floor to debate, presiding over the debate according to the following:
 - (a) The maker of the motion is entitled to speak first.

- (b) A member who has not spoken on the issue is recognized before a member who has already spoken.
- (c) To the extent practicable, debate alternates between proponents and opponents of the measure.

5. **Other Issues Related to Motions.** For other issues related to motions such as subsidiary motions and procedural motions the book “Suggested Rules of Procedure for the Board of County Commissioners”, latest edition, by Trey Allen should be referenced.

6. **Adoption by Majority Vote.** Upon a quorum being established, a motion is adopted by a simple majority vote except when a larger majority is required in accordance with state law.

7. **Duty to Vote.**

- (a) Every Commissioner must vote except when excused from voting as provided by state law and these rules.
- (b) N.C.G.S. §153A-44 provides Commissioners may be excused from voting on matters in which they have a direct financial interest, or on questions involving the Board member’s official conduct. A Commissioner believing they need to be excused from a vote should consult with the County Attorney prior to the meeting for an opinion on whether they qualify to be excluded pursuant to state law. When applicable, a Commissioner should ask to be excused including stating the reason. The County Attorney should state the reason is or is not in accordance with state law. A Commissioner who has not been excused from voting but is present and does not vote or has stepped out of the room, shall have their vote recorded in the minutes as voting in the affirmative.
- (c) N.C.G.S. §160D-109(a) provides Commissioners shall not vote on any legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the Commissioner. Also, a Commissioner shall not vote on any legislative decision where the landowner or applicant is a person with whom the Commissioner has a close familial, business or other associational relationship.
- (d) N.C.G.S. §160D-109 (d) provides Commissioners shall not vote on any quasi-judicial decision in a matter that would violate affected persons’ constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matters.

8. **Introduction of Ordinances.** A proposed ordinance is deemed to be introduced at a meeting the Board votes on whether to adopt or make changes to the proposed ordinances.

VII. AMENDMENT OF THESE RULES.

These Rules may be amended at any regular or special meeting for which amendment of the rules is one of the meeting’s stated purposes. To be adopted, a motion to amend these rules must be consistent with any relevant statute and approved by a majority of the Commissioners.