

Town of Beaufort



Planning Board Rules of Procedure

Adapted from the publication:

“Suggested Rules of Procedure for Small Local Government Boards, Second Edition”

by

A. Fleming Bell, II
Institute of Government
University of North Carolina at Chapel Hill

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INTRODUCTION

The following rules and procedures are hereby adopted by the Planning Board of the Town of Beaufort to facilitate open, effective, equitable, and orderly communication during official meetings of the board.

The rules contained herein are essentially a modified version of *Robert's Rules of Order Newly Revised (RONR)*. It is recognized that *RONR* is intended to guide the deliberations of large legislative bodies, many aspects are not always appropriate for small municipal boards. A small board can afford to do some things that are not appropriate for a large body and in some cases the procedures described in *RONR* are unnecessarily cumbersome. *RONR* itself recognizes that more informality is desirable with small boards (*RONR*, Sec. 48, pp. 477-78).

The following principles guide the rules set forth by the Planning Board:

1. The board must act as a body.
2. The board should proceed in the most efficient manner possible.
3. The board must act by at least a majority.
4. Every member must have an equal opportunity to participate in decision making.
5. The board's rules of procedure must be followed consistently.
6. The board's actions should be the result of a decision on the merits and not a manipulation of the procedural rules.

Except for city councils and boards of county commissioners, the laws that establish or authorize small governing boards usually provide little or no guidance as to the procedures to be followed by such boards. Any procedural rules adopted by a small board must, of course, follow any requirements specifically prescribed for that board, but so long as that is done and the board adheres to the general principle just listed, it has a free hand in designing its own method of procedure. Most of these rules are merely suggested procedures, and the board should feel free to change them to suit local needs and customs. For example, one rule eliminates the requirement of a second to a motion if the board has fewer than seven members. The board may or may not adopt that rule. Whatever the rules adopted, the board should follow them consistently. Amendments to the rules are listed in an appendix as they are adopted.

Rules adopted by the Planning Board must be consistent with the provisions of North Carolina General Statutes Chapters 160A Article 5, Parts 1-3 and Chapter 143, Article 33C.

TOWN OF BEAUFORT PLANNING BOARD RULES OF PROCEDURE

1. Regular Meetings.

The Board shall adopt a regular meeting schedule for the upcoming calendar year at the last meeting of the current calendar year. Regular meetings shall be held on the third Monday of each month, except that if a regular meeting day is a legal holiday then the Board may schedule the meeting for the next business day. Meetings shall be held at the Beaufort Train Depot 614 Broad Street, Beaufort, North Carolina and shall begin at 7:00 PM. A copy of the Boards current meeting schedule shall be filed with the Town Clerk. If a schedule is to be revised, the new schedule must be on file for at least seven days before the first meeting held pursuant to it.

2. Special Meetings.

The chair or a majority of the members may at any time call a special meeting of the board. 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) given to each board member; (2) posted on the bulletin board at Town Hall, 215 Pollock Street, Beaufort; and (3) delivered to each media source or individual who has filed a written request for notice with the Town Clerk.

A special meeting may also be called or scheduled by vote of the board in open session during another duly called meeting. The motion calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place and purpose of the meeting shall be (1) posted on the bulletin board at Town Hall, 215 Pollock Street, Beaufort; and (2) delivered to each media source or individual who has filed a written request for notice with the town clerk.

Only those items of business specified in the notice may be discussed at a special meeting, unless (1) all members are present and (2) a majority of members determine in good faith at the meeting that it is essential to discuss or act on the item immediately.

3. Organizational Meeting.

On the date and time of the first regular meeting following the appointment of new members or the reappointment of members, the board shall nominate and elect a chair and vice-chair as the first order of business.

4. Agenda.

- a) **Proposed Agenda.** The Town Clerk shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least two working days before the meeting. Any board member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed ordinances shall be attached to the proposed agenda. An agenda

package shall be prepared that included, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each member shall receive a copy of the proposed agenda and agenda package and they shall be available for public inspection and distribution or copying when they are distributed to the council members.

- b) **Adoption of the Agenda.** As its first order of business of each meeting, the board shall discuss and revise the proposed agenda and adopt an agenda for the meeting. If items are proposed to be added to the agenda of a meeting, the board may, by majority vote, require that written copies of particular documents connected with the times be made available at the meeting to all council members. The board may by majority vote add items to or subtract items from the proposed agenda.
- c) **Open Meetings Requirements.** 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 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.

5. **Public Address to the Board.**

Any individual or group who wishes to address the board shall make a written request to the Town Clerk to be on the agenda. However, individuals or groups may participate in the Public Comment period of the meeting.

6. **Order of Business**

- a) Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:
 - 1. Discussion and revision of the proposed agenda, adoption of agenda.
 - 2. Approval of minutes.
 - 3. Public comment.
 - 4. Items for consideration.
 - 5. Administrative reports.

By majority consent of the board, items may be considered out of order.

- b) Format for consideration of Items:
 - 1. *Chairman's Request for Staff Report/Memo:*
The Planner presents the staff report/memo for the proposed application and addresses any outstanding issues. The staff report/memo shall be entered into the record.

2. *Applicant's Presentation:*
The applicant presents any additional information to clarify the application.
3. *Comments from the Public:*
Comments shall only pertain to the item being considered.
4. *Planning Board's Discussion:*
Upon hearing no further discussion, the chair may entertain a motion for action on the application. The applicant may NOT participate in any discussion after a motion is on the floor.
5. *Planning Board's Action.*

7. Presiding Officer.

The chair of the board shall preside at board meetings if he or she is present, unless he or she becomes actively engaged in debate on a particular matter. The chair may vote in all cases. In order to address the board, a member must be recognized by the chair.

If the chair is absent, the vice-chair shall preside. If both the chair and the vice-chair are absent, another member designated by vote of the board shall preside. The vice-chair or another member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions and the right to vote.

If the chair becomes actively involved in debate on a particular matter, he or she may designate another board member to preside over the debate. The chair shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers:

1. To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
3. To entertain and answer questions of procedure;
4. To call a brief recess at any time; and
5. To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed may be appealed to the board upon motion of any member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The 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.

8. Action by the Board.

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

9. One Motion at a Time.

A member may make only one motion at a time.

10. Substantive Motions.

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

11. Adoption by Majority Vote.

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

12. Debate.

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

1. The maker of the motion is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken; and
3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.

13. 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, each 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:
 1. **To appeal a procedural ruling of the presiding officer.** 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 remarks, or entertaining and answering a questions of parliamentary law or procedure may be appealed to the board, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The 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.

2. **To adjourn.** This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to adjourn to a time and place certain shall also comply with the requirements of Rule 2, Special Meetings.
3. **To take brief recess.** This motion allows the board to pause briefly in its proceedings.
4. **Call to follow the agenda.** The motion must be made at the first reasonable opportunity or it is waived.
5. **To Suspend the Rules.** The Board may not suspend provisions of the rules that state requirements imposed by law on the board. For adoption, the motion requires a vote equal to the number required for a quorum.
6. **To Divide a Complex Motion and Consider it by Paragraph.** This motion is in order whenever a member wishes to consider and vote on sub-parts of a complex motion separately.
7. **To Defer Consideration.** The board may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 60 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 motions remains pending (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion, or else move to suspend the rules.
8. **To Postpone to a Certain Time or Day.** This motion allows the board to defer consideration to a specified time or day and is appropriate when more information is needed or the deliberations are likely to be lengthy. 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 person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules.
9. **To Refer to a Committee.** The board may vote to refer a substantive motion to a committee for its study and recommendations. Sixty (60) days after a substantive 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.
10. **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 a 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.

11. **To Revive Consideration.** The board may vote to revive consideration of any substantive motion earlier deferred by adoption of a previous motion. The motion is in order anytime after sixty (60) days after a vote to defer consideration. A substantive motion consideration of which has been deferred expires after sixty (60) days unless a motion to revive consideration is adopted.

12. **To Reconsider.** The board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie, in that case the “no’s” prevail) and only at the same meeting as the vote was taken, including any continuation of that meeting through adjournment 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.

13. **To Rescind or Repeal.** The board may vote to rescind actions it has previously taken or to repeal items it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

14. **To Prevent Reconsideration For Six Regular Meetings.** This motion is in order immediately following the defeat of a substantive motion and no other time. For adoption, the motion requires a vote equal to the number required for a quorum. It is valid for six regular meetings or until a new board member is appointed, whichever occurs first.

14. **Renewal of Motion.**

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

15. **Withdrawal of Motion.**

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

16. Duty to Vote.

Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members present. No member shall be excused from voting except in cases reasonably likely to have a direct, substantial, and readily identifiable financial impact or the member's official conduct, as defined by the board. In all other cases, a failure to vote by a member who is physically present or has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote. If a Board member is excused from voting, he/she should neither vote nor participate in any way in the deliberations leading up to the vote.

17. Quorum.

Five or more members of the Board, excluding vacant seats, shall constitute a quorum. The chair shall be considered a member of the board in determining the number on which a majority is based and in counting the number of members actually present. 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 whether or not a quorum is present.

18. Minutes.

Full and accurate minutes of the board proceedings shall be kept. These minutes and general accounts shall be open to inspection of the public. The exact wording of each motion and the results of each vote shall be recorded

19. Reference Guide.

The Planning Board shall also refer to Open Meetings and Local Governments in North Carolina, David M. Lawrence, 5th Edition, 1998, Institute of Government, The University of North Carolina at Chapel Hill.