



## **Planning Board: Rules of Procedure**

In any instance where the suggested procedural rules for the Planning Board conflict with local, state, or federal laws and accompanying procedures, the provisions of that law shall govern.

### **Part I. Applicability**

#### **Rule 1.1 Applicability of Rules**

These rules apply to all meetings of the Village of Clemmons Planning Board. For purposes of these rules, a meeting of the board occurs whenever a majority of the board's members gather, either in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the board's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

### **Part II. Quorum**

#### **Rule 2.1 Quorum**

The presence of a quorum is necessary for the board to take action. A majority of the actual membership of the Planning Board, excluding vacant seats, shall constitute a quorum. A member who withdraws from a meeting of the board without being excused by majority vote of the remaining members present shall be counted as present for quorum purposes.

### **Part III. Open Meetings**

#### **Rule 3.1 Electronic Board Meetings**

(a) General Provisions. No member who is not physically present may participate in a meeting of the board by electronic means except in accordance with the Village of Clemmons Remote Participation Policy

(b) Electronic Meetings During a State of Emergency Declared by the Governor or General Assembly.

During any state of emergency declared by the Governor or General Assembly pursuant to G.S. 166A-19.20, a meeting of the board shall comply with the requirements of this paragraph if (1) the board falls within the emergency area and (2) at least one board member attends the meeting by conference call, conference video, or other electronic means.

- (1) Notice. The public notice for any regular, special, emergency, or recessed meeting that is subject to this paragraph shall specify how the public can access the electronic meeting in real time.
- (2) Member Identification. Each member who attends by electronic means shall identify himself or herself in each of the following situations:
  - a. when roll is taken or the meeting begins;
  - b. before taking part in deliberations, including making any motions, proposing any amendments, or raising any points of order; and
  - c. before voting.
- (3) Meeting Materials. All documents considered during the meeting shall be furnished to each board member.

- (4) Method of Electronic Participation. Any member who attends electronically shall use a means of communication that enables the member
  - a. to hear what is said by other board members and any person who addresses the board and
  - b. to be heard by other board members.
- (5) Quorum. A member who attends by electronic means counts as present for quorum purposes, but only while the board maintains electronic communication with that member.
- (6) Voting. The board shall conduct all votes by roll call. It may not vote by secret or written ballots. The votes of any member who attends by electronic means shall be counted as if the member were physically present, but only while the board maintains electronic communication with that member.
- (7) Acting by Reference. The board shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document unless copies of the agenda or document are available for public inspection at the meeting and so worded that those persons in attendance can understand what is being deliberated or acted upon.
- (8) Minutes. The minutes shall indicate that the meeting was conducted by electronic means, which members took part electronically, and when such members joined or left the electronic meeting.
- (9) Live Streaming. The meeting shall be streamed live online so that live audio (and video, if any) are available to the public. If the board meets by conference call, the public shall have an opportunity to dial in or stream the audio live and listen to the electronic meeting.
- (10) Legislative hearings. Although it may conduct any legislative hearing mandated or permitted by law, the board shall allow the public to submit written comments on the hearing's subject matter between the publication of any required notice and up to twenty-four hours before the hearing.

### **Rule 3.2 Meetings to Be Open to the Public**

Except as permitted by Rule 3.3, all meetings of the board shall be open to the public, and any person may attend its meetings.

### **Rule 3.3 Closed Sessions**

- (a) Bases for Closed Session. The board may enter a closed session from which the public is excluded on any of the grounds listed in G.S. 143-318.11(a).
- (b) Motion to Enter Closed Session. The board may hold a closed session only upon a motion duly made and adopted in open session. The motion to enter closed session shall cite one or more of the permissible bases listed in G.S. 143-318.11(a) for closed sessions. For a closed session held under G.S. 143-318.11(a)(1) (prevent disclosure of privileged or confidential information or information not considered public record), the motion shall name or cite the law that renders the information confidential or privileged. For a closed session called pursuant to G.S. 143-318.11(a)(3) (attorney consultation and preservation of attorney-client privilege), the motion shall name the parties to any pending lawsuit that the board's attorney plans to discuss in the closed session.
- (c) Closed-Session Participants. Aside from the board members themselves, only those individuals invited by the board may participate in a closed session. The board will invite only those individuals whose presence is reasonably necessary to aid the board in its closed-session deliberations.
- (d) Motion to Return to Open Session. Upon completing its closed-session business, the board shall return to open session.

### **Rule 3.4 Meeting Minutes**

- (a) Minutes Required for All Meetings. The board shall keep full and accurate minutes of its meetings, including any closed sessions. To be "full and accurate," the minutes must record all actions taken by the

board, as well as the board's compliance with any applicable procedural requirements. The minutes should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record board member discussions, though the board in its discretion may decide to incorporate such details into the minutes.

(b) Record of "Ayes" and "Noes." At the request of any member, the minutes shall indicate how each member voted by name on a particular matter.

(c) General Accounts of Closed Sessions. In addition to minutes, the board shall keep a general account of each closed session. The general account shall be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The board may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.

(d) Sealing Closed-Session Records. Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the board or in accordance with instructions adopted by competent authority. The sealed minutes and general account of any closed session may be withheld from public inspection, so long as public inspection would frustrate the purpose(s) of the closed session.

### **Rule 3.5 Broadcasting and Recording Meetings**

(a) Right to Broadcast and Record. Any person may photograph, film, tape-record, or otherwise reproduce any part of a board meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a board meeting.

(b) Advance Notice. Any radio or television station that plans to broadcast any portion of a board meeting shall so notify the Director of Marketing and Communication, The Director of Planning and Community Development, and the Village Manager no later than twenty-four hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a board meeting.

(c) Equipment Placement. The board chairperson or an appropriate staff member may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a board meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the board chairperson or staff member determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the chairperson or staff member may require the pooling of the equipment and the personnel operating it.

(d) Alternative Meeting Site. If the news media request an alternative meeting site to accommodate news coverage, and the board grants the request, the news media making the request shall pay the costs incurred by the local government unit in securing an alternative meeting site.

## **Part IV. Organization of the Board**

### **Rule 4.1 Organizational Meeting; Selection of Chairperson and other Officers**

On the date and at the time of the first regular meeting in July, all newly appointed and reappointed members of the board shall take and subscribe the oath of office as the first order of new business. As the second order of new business, the board may elect a chairperson, vice-chairperson, secretary, and other offices as deemed necessary.

#### Organizational Meeting Business

*Oath of Office.* Per § 160D-309 of North Carolina General Statute all members appointed to boards under Article 3 of Chapter 160D shall, before entering their duties, qualify by taking an oath of office prescribed in Article VI, Section 7 of the North Carolina State Constitution:

*"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as planning board member, so help me God."*

*Selection of Chairperson and Other Officers.* The Planning Board shall meet and elect a chairperson, vice-chairperson, and secretary and create and fill such other offices as it may deem necessary. The term of the chairperson and other officers shall be one year, with eligibility for reelection.

## **Part V. Types of Meetings**

### **Rule 5.1 Regular Meetings**

(a) Regular Meeting Schedule. The board shall annually adopt a regular-meeting schedule showing the time(s) and place(s) of its regular meetings for the year.

(b) Notice of Regular Meeting Schedule. The board shall ensure that a copy of its current regular meeting schedule, complete with the time and place of each regular meeting, is filed with the Village Clerk and posted on the board's website.

(c) Change to Regular Meeting Schedule. The board may revise its regular-meeting schedule to change the time or place of a particular regular meeting or all regular meetings within a specified period. The board shall ensure that the revised regular meeting schedule is filed with the Village Clerk at least seven calendar days before the first meeting held pursuant to the revised schedule. The board shall also have the revised schedule posted on the board's website.

### **Rule 5.2 Special Meetings**

(a) Calling Special Meetings. The chairperson or a majority of the members may call a special meeting of the board. Alternatively, a special meeting may be called by vote of the board in open session during a regular meeting or another duly called special meeting.

(b) Notice to the Public. At least forty-eight hours before a special meeting, the board shall cause written notice of the meeting's date, time, place, and purpose(s) to be (1) posted on the board's principal bulletin board or, if the board has no such bulletin board, at the door of the board's usual meeting room and (2) delivered, emailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the board's secretary. If the board has a website maintained by one or more of its employees, the board shall also have the notice posted there prior to the special meeting.

(c) Notice to Members. If the chairperson or a majority of the members called the special meeting, the chairperson shall ensure that notice of the meeting's date, time, place, and purpose(s) is mailed, emailed, or delivered to the other members at least forty-eight hours before the meeting. If the special meeting was called at another duly held meeting of the board, and one or more members were absent, the chairperson shall ensure that notice of the meeting's date, time, place, and purpose(s) is mailed, emailed, or delivered to any absent member(s) a minimum of forty-eight hours in advance of the special meeting.

### **Rule 5.3 Emergency Meetings**

(a) Calling Emergency Meetings. The chairperson or a majority of the members may call an emergency meeting of the board, but only when necessary to address generally unexpected circumstances that demand the board's immediate attention.

(b) Notice of Emergency Meetings. Reasonable steps shall be taken by the chairperson to notify other board members of an emergency meeting. Additionally, notice of the meeting shall be given to each local

newspaper, local wire service, local radio station, and local television station that has filed with the board's secretary a written request to be notified of emergency meetings. To be valid, the request must include the newspaper's, wire services, or station's telephone number. Notice may be given by telephone, email, or the same method used to notify board members. Notice shall be provided immediately after members have been notified and at the expense of the media organization notified.

(c) Transaction of Other Business Prohibited. Only business connected with the emergency may be considered at an emergency meeting.

#### **Rule 5.4 Recessed Meetings**

(a) Calling Recessed Meetings. When conducting a properly called regular, special, or emergency meeting, the board may recess the meeting to another date, time, or place by a procedural motion made and adopted in open session, as provided in Rule 8.6 (Motion 3). The motion shall state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will resume.

(b) Notice of Recessed Meetings. If the board's website is maintained by one or more board employees, notice of the recessed meeting's date, time, and place shall appear on the website prior to the meeting. No further notice of a properly called recessed meeting is required.

## **Part VI. Agenda**

### **Rule 6.1 Agenda**

(a) Draft Agenda.

(1) Preparation. The board's secretary shall prepare a draft agenda for each meeting of the board.

(2) Requesting placement of items on draft agenda. Members may, by timely request, have items placed on the draft agenda for any regular meeting. Members shall submit their requests to the board's secretary at least ten working days before the meeting date.

(3) Supplemental information/materials. A copy of all draft orders, policies, regulations, or resolutions shall be attached to the draft agenda. The board's secretary shall prepare an agenda packet that includes, for each item of business listed on the draft agenda, as much background information on the topic as is available and feasible to reproduce.

(4) Delivery to board members. Each member shall receive a copy of the draft agenda and the agenda packet. Except in the case of an emergency meeting, the draft agenda and the agenda packet shall be provided to each member at least twenty-four hours before the meeting.

(5) Public inspection. The draft agenda and agenda packet, except for materials not subject to inspection or copying under the public records law, shall be available to the public when they are ready to be circulated to members.

(b) Adoption of the Agenda

(1) Adoption. As its first order of business at each meeting, the board shall review the draft agenda, make whatever revisions it deems appropriate, and adopt the agenda for the meeting.

(2) Amending the agenda. Both before and after it adopts the agenda, the board may add or subtract agenda items by majority vote of the members present and voting, except when the board's consideration of new agenda items would violate state law or these rules.

(3) Designation of items "For Discussion and Possible Action." The board may designate an agenda item "For Discussion and Possible Action." The designation signifies that the board intends to discuss the item and may, if it so chooses, take action on the item following the discussion.

(c) Consent Agenda. The board may designate part of an agenda for a regular meeting as the consent agenda. The person(s) charged with preparing the draft agenda may place routine or non-controversial items

on the consent agenda. Prior to approving the meeting agenda, the board must honor any member's request to move an item from the consent agenda to new or unfinished business. The board may approve all items on the consent agenda through the adoption of a single motion to that effect, but the minutes shall list each item so approved.

(d) Informal Discussion of Agenda Items. The board may informally discuss an agenda item even when no motion regarding that item is pending.

### **Rule 6.2 Acting by Reference to Agenda or Other Document**

The board shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document unless copies of the agenda or document are available for public inspection at the meeting and so worded that persons in attendance can understand what is being deliberated or acted upon.

### **Rule 6.3 Agenda Items from Members of the Public**

If a member of the public wishes to request that the board include an item on its regular-meeting agenda, the individual shall submit the request in writing to the board's secretary at least two working days before the meeting date. The board is not obligated to place an item on the agenda merely because such a request has been received.

### **Rule 6.4 Order of Business**

Items shall be placed on a regular-meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

- adoption of the agenda,
- approval of the consent agenda,
- approval of the previous meeting minutes,
- public comment,
- legislative hearing,
- administrative reports,
- committee reports,
- unfinished business, and
- new business.

Without objection, the chairperson may call agenda items in any order most convenient for the dispatch of business.

## **Part VII. Role of the Presiding Officer**

### **Rule 7.1 The Chairperson**

(a) Presiding Officer. The chairperson shall preside at meetings of the board.

(b) Voting by the Chairperson. The chairperson has the same duty to vote as other members, though in no event may the chairperson break a tie on a motion on which he or she has already voted.

(c) Recognition of Members. A member must be recognized by the chairperson in order to address the board, but recognition is not necessary for an appeal pursuant to Rule 8.6 (Motion 1).

(d) Powers as Presiding Officer. As presiding officer, the chairperson is to enforce these rules and maintain order and decorum during board meetings. To that end, the chairperson may

- (1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
- (2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his

- or her remarks and entertain and rule on objections from other members on this ground;
- (3) entertain and answer questions of parliamentary procedure;
  - (4) call a brief recess<sup>1</sup> at any time; and
  - (5) adjourn in an emergency<sup>2</sup>.
- (e) Appeals of Procedural Rulings. A member may appeal a decision made or an answer given by the chairperson under subparagraph (d)(1), (2), or (3) of this rule in accordance with Rule 8.6 (Motion 1).

### **Rule 7.2 Presiding Officer in the Chairperson's Absence**

If the chairperson is absent, the vice chairperson shall preside. If both the chairperson and vice chairperson are absent, the board shall designate one of the members present to serve as temporary presiding officer. Any member who presides in place of the chairperson has the powers listed in Rule 7.1(d). Service as presiding officer does not relieve a member of the duty to vote on all questions except as excused from voting under Rule 8.10.

### **Rule 7.3 When the Presiding Officer Is Active in Debate**

If the chairperson or other presiding officer becomes active in the debate on a matter, they may designate another member to preside over the debate.

## **Part VIII. Motions and Voting**

### **Rule 8.1 Action by the Board**

Except as otherwise provided in Rules 8.9, 8.11, and 10.2, the board shall act by motion. Any member may make a motion.

### **Rule 8.2 Second Not Required**

No second is required on any motion.

### **Rule 8.3 One Motion at a Time**

A member may make only one motion at a time.

### **Rule 8.4 Withdrawal of Motion**

The member who introduces a motion may withdraw the motion unless the motion has been amended or put to a vote.

### **Rule 8.5 Substantive (or Main) Motions**

A substantive motion<sup>3</sup> is not in order when any other motion is pending. Once the board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting unless it first adopts a motion to reconsider pursuant to Rule 8.6 (Motion 13).

### **Rule 8.6 Procedural Motions**

<sup>1</sup> Recess per Part VII Rule 7.1(d)(4) is defined as a short intermission in the assembly's proceedings, commonly of only a few minutes, which does not close the meeting and after which business will immediately be resumed at exactly the point where it was interrupted.

<sup>2</sup> Emergency per Part VII Rule 7.1(d)(5) may consist of fires, riots, or other extreme emergency, if the chair believes taking time for a vote on adjournment would be dangerous to those present.

<sup>3</sup> A substantive motion is one that brings business before the board, such as a motion that the Planning Board recommend approval of a proposed zoning ordinance amendment. A substantive motion may propose any action within the board's legal authority.

(a) Certain Motions Allowed. The board may consider only those procedural motions<sup>4</sup> listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.

(b) Priority of Motions. The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that

- any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 11 and
- a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 8.

When several procedural motions are pending, voting shall begin with the procedural motion highest in priority, except that a motion to amend or end debate on the highest-priority motion shall be voted on first.

**Motion 1. To Appeal a Ruling of the Presiding Officer.** Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

**Motion 2. To Adjourn.** This motion may be used to close a meeting. It is not in order if the board is in closed session.

**Motion 3. To Recess to a Time and Place Certain.** This motion may be used to call a recessed meeting as permitted under Rule 5.4. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the board is in closed session.

**Motion 4. To Take a Brief Recess<sup>5</sup>.**

**Motion 5. To Follow the Agenda.** This motion must be made at the time an item of business that deviates from the agenda is considered; otherwise, the motion is out of order as to that item.

**Motion 6. To Suspend the Rules<sup>6</sup>.** To be adopted, a motion to suspend the rules must receive affirmative votes equal to two-thirds of the board's actual membership, excluding any vacant seats. The board may not suspend provisions in these rules that restate state law requirements.

**Motion 7. To Defer Consideration.** The board may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the board votes to revive it pursuant to Motion 12 within 100 days of deferral. A new motion having the

<sup>4</sup> A procedural motion is any non-substantive motion. Most procedural motions, if adopted, act on a substantive motion in some way, such as a motion to postpone the board's consideration of a substantive motion until its next regular meeting.

<sup>5</sup> Uses the same definition of recess as Part VII Rule 7.1(d)(4)

<sup>6</sup> This motion is in order when the board wishes to take some action within its legal authority but one or more of these rules prevents it from doing so. For example, the board could use this motion in the middle of a regular meeting to allow consideration of a proposed policy change that is not on the agenda. A motion to suspend the rules fails unless it receives affirmative votes equal to at least two thirds of the board's membership, excluding vacant seats.

same effect as a deferred motion may not be introduced until the latter has expired.

**Motion 8. To End Debate (Call the Previous Question).** If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

**Motion 9. To Postpone to a Certain Time.** This motion may be employed to delay the board's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

**Motion 10. To Refer a Motion to a Committee.** The board may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the committee fails to report on the motion within sixty days of the referral date, the board shall take up the motion if asked to do so by the member who introduced it.

**Motion 11. To Amend**

- (a) Germaneness<sup>7</sup>. A motion to amend must concern the same subject matter as the motion it seeks to alter.
- (b) Limit on Number of Motions to Amend<sup>8</sup>. When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

**Motion 12. To Revive Consideration.** The board may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 7, provided it does so within 100 days of its vote to defer consideration.

**Motion 13. To Reconsider.** The board may vote to reconsider its action on a matter, provided the motion to reconsider is made (1) at the same meeting during which the action to be reconsidered took place and (2) by a member who voted with the prevailing side. For purposes of this motion, "the same meeting" includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the board's deliberation on a pending matter.

**Motion 14. To Rescind.** The board may vote to rescind an action taken at a prior meeting, provided rescission is not forbidden by law.

**Motion 15. To Prevent Reintroduction for Six Months.** This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion's defeat. To be adopted, this motion must receive affirmative votes equal to at least two-thirds of the board's total membership, excluding vacant seats. If this motion is adopted, the ban on reintroduction remains in effect for six months or until the board's next organizational meeting, whichever occurs first.

<sup>7</sup> An amendment is germane if it in some way involves the same question that is raised by the motion to which it is applied

<sup>8</sup> This rule allows only one motion to amend (primary amendment) and one motion to amend the amendment (secondary amendment) to be pending simultaneously. Such amendments are voted in reverse order; that is, the secondary amendment is voted on first.

### **Rule 8.7 Debate**

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has already spoken.
- To the extent practicable, debate shall alternate between proponents and opponents of the measure.

### **Rule 8.8 Adoption by Majority Vote**

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

### **Rule 8.9 Changing a Vote**

A member may change the member's vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change a vote without the unanimous consent<sup>9</sup> of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

### **Rule 8.10 Duty to Vote**

Every member shall vote unless excused by the remaining members of the board. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members on whether to grant the request. The board may not excuse a member except in cases involving (1) a conflict of interest as defined by law or the board or (2) the member's official conduct or own financial interest. The unexcused failure to vote by a member who is physically present in the meeting room, or who has withdrawn without being excused by majority vote of the remaining members present, shall be recorded as an affirmative vote.

### **Rule 8.11 Voting by Written Ballot**

(a) Secret Ballots Prohibited. The board shall not vote by secret ballot.

(b) Rules for Written Ballots. The board may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member shall sign his or her ballot, and the minutes shall record how each member voted by name. The ballots shall be made available for public inspection in the office of the secretary to the board immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.

## **Part IX. Legislative hearings**

### **Rule 9.1 Legislative hearings**

(a) Calling Legislative hearings. The board may hold legislative hearings to solicit the public's input on specific issues. The board may schedule its legislative hearings or delegate that responsibility to staff members, as appropriate.

(b) Legislative hearing Locations. The board may hold legislative hearings anywhere within the area served by the board.

<sup>9</sup> Members need not actually cast votes to grant a request for unanimous consent. The presiding officer may simply ask whether there is any objection and, hearing none, pronounce the request approved.

(c) Notice of Legislative hearings. Any legislative hearing attended by a majority of members shall be considered part of a regular or special meeting of the board. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 5.1 through 5.4, apply to such hearings. If a hearing's subject matter triggers additional notice requirements under state law or local rules, the board shall see that they are also satisfied.

(d) Rules for Legislative hearings. The board may adopt reasonable rules for legislative hearings that, among other things,

- fix the maximum time allotted to each speaker;
- provide for the designation of spokespersons for groups supporting or opposing the same positions;
- provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the meeting room (so long as arrangements are made, in the case of a hearing subject to the open meetings law, for those excluded from the meeting room to listen to the hearing); and
- provide for the maintenance of order and decorum in the conduct of the hearing.

(e) Continuing Legislative hearings. The board may continue any legislative hearing without further advertisement, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. If a quorum of the board is not present for a properly scheduled legislative hearing, the hearing shall be continued until the board's next regular meeting without further advertisement.

(f) Conduct of Legislative hearings. At the time appointed for the hearing, the chairperson shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the board for the hearing. Unless the board votes to extend the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not already done so, the chairperson shall declare the hearing closed, and the board shall resume the regular order of business.

(g) Public Comment. The board may hold a public comment period at any regular meeting or special meeting called, at least in part, for that purpose. During the public comment period, members of the public may speak on any matters within the board's real or apparent jurisdiction. The provisions in paragraphs (d) and (f) of this rule apply to the board's public comment periods.

## **Part X. Committees and Appointments**

### **Rule 10.1 Committees**

(a) Authority to Establish. The board may establish standing or temporary committees to help the board carry out its work. Rule 10.2(b) governs appointments to all such committees.

(b) Open Meetings Law. The requirements of the open meetings law apply whenever a majority of a committee's members gather in person or simultaneously by electronic means to discuss or otherwise conduct committee business.

### **Rule 10.2 Appointments to Public Bodies**

(a) Appointments in Open Session. To the extent that it appoints its own members or the members of other public bodies, the board shall consider and make appointments in open session.

(b) Committee Appointments. The board shall make appointments to any committees established under Rule 10.1. When a committee is to include non-board members selected by the board, the board will appoint such persons in open session using the procedures described below.

(c) Appointment by Unanimous Consent. When there is only one nominee, the chairperson may ask the board to approve the nominee's appointment by unanimous consent. If any member objects, the board shall

vote on the nomination in accordance with paragraph (d) or (e) of this rule, whichever applies.

(d) Nomination and Voting Procedure. The board shall use the following procedure in making appointments. The chairperson shall open the floor for nominations, whereupon board members may put forward and debate nominees. When debate ends, the chairperson shall call the roll of the members, and each member shall cast a vote for the member's preferred nominee. Voting shall continue until a nominee receives a majority of votes cast during a single balloting.

(e) Multiple Appointments. If the board is making more than one appointment to a body, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No member may cast more than one vote for the same candidate for the same position during a single balloting.

(f) Vote by Written Ballot. The board may vote on proposed appointments by written ballot in accordance with Rule 8.11.

## **Part XI. Miscellaneous**

### **Rule 11.1 Amendment of the Rules**

The board may vote to amend these rules at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must not violate any relevant statutes or generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a two-third majority of the board's members

### **Rule 11.2 Reference to *Robert's Rules of Order Newly Revised***

The board shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the presiding officer shall make a ruling on the issue subject to appeal to the board under Rule 8.6 (Motion 1).