

**RULES OF PROCEDURE FOR THE
BOARD OF COUNTY COMMISSIONERS OF
HARNETT COUNTY, NORTH CAROLINA**

I. APPLICABILITY

Rule 1. Applicability of Rules.

These rules apply to all meetings of the Board of Commissioners of Harnett County at which the Board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

II. OPEN MEETINGS

Rule 2. Meetings to be Open.

The public policy of North Carolina and of Harnett County is that the hearings, deliberations, and actions of this Board and its committees be conducted openly.

Rule 3. Closed Sessions.

- (a) It is the policy of Harnett County that closed sessions shall be held only when required to permit the Board of Commissioners to act in the public interest as permitted in this section. The list includes:
1. To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes (The Public Records Law).
 2. To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
 3. To consult with an attorney employed or retained by the Board in order to preserve the attorney-client privilege between the attorney and the Board, which privilege is hereby acknowledged. This subdivision prohibits discussion of “general policy matters” in closed session and declares that it shall not be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the Board is a participant. The subdivision permits the Board to consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, or administrative procedure, with terms of any settlement to be made public within a reasonable time.
 4. To discuss matters relating to the location or expansion of industries or other businesses in the area served by the Board.
 5. To establish, or to instruct the Board’s staff or negotiating agents concerning the position to be taken by or on behalf of the Board in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

6. To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. This subdivision prohibits discussion of “general personnel policy issues” or considerations of the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the Board or another body or consideration of (or filling of) a vacancy among its own membership in closed session.
 7. To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
 8. To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions take or to be taken to respond to such activity.
 9. To view a recording released pursuant to G.S. 132-1.4A
- (b) The Board may go into closed session only upon motion made and adopted at an open meeting. The motion shall state the permitted purpose of the closed session and if the closed session is to consult with an attorney in order to preserve the attorney-client privilege, the motion must identify the parties in each existing lawsuit which the Board expects to receive advice during the closed session. The motion must be approved by a majority of those Board members present and voting.
- (c) Minutes shall be kept of all closed sessions of the Board, but may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.
- (d) The County Manager, Assistant County Manager, Finance Officer, and the County Attorney shall attend the closed session, unless expressly excluded in the motion. Other persons shall not attend the closed session unless expressly included in the motion or otherwise called into the session.

III. ORGANIZATION OF THE BOARD

Rule 4. Organizational Meeting.

On the first Monday of December following a general election in which County officers are elected, the Board shall meet at the regular meeting time and place. If new members are elected, the order of business shall be:

- (a) The Board shall approve the minutes of its prior meeting and other items of business.
- (b) The newly elected members of the Board shall take and subscribe the oath of office.
- (c) With the Clerk to the Board presiding, the Board shall elect a Chairman and a Vice Chairman from its members.

Rule 5. Election of Chairman and Vice Chairman.

The Chairman and Vice Chairman of the Board shall be elected annually for a term of one year and shall not be removed from the office of Chairman or Vice Chairman unless he/she becomes disqualified to serve as a Board member.

IV. REGULAR AND SPECIAL MEETINGS

Rule 6. Regular and Special Meetings.

(a) Regular Meetings: The Board shall hold regular meetings as follows:

**First Monday of each Month at 9 a.m.
Third Monday of each Month at 6 p.m.**

If a regular meeting day is a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting. Regular meetings are held in the County Administration Building. The Board may change or cancel the place or time of a particular regular meeting or of all regular meetings within a specified period by resolution adopted, posted, and noticed at least seven days before the change takes effect or as provided by statute or herein. Such a resolution shall be filed with the Clerk to the Board and posted at or near the regular meeting place, and copies shall be sent to all persons who have requested notice of special meetings of the Board.

(b) Special Meetings. The Chairman or a majority of board members may at any time call a special meeting of the Board by signing a notice stating the time and place of the meeting and the subjects to be considered. The Clerk shall cause the notice to be posted on the bulletin board in the courthouse, on the door of the meeting room, and delivered to the Chairman and all other Board members or left at the dwelling place of each Board member at least 48 hours before the meeting. In addition, the notice shall be mailed or delivered to individual persons and news organizations that have requested such notice as provided in subsection (e) below. Only items of business specified in the notice may be transacted at a special meeting.

(c) Emergency Meetings. The Chairman or a majority of members may call an emergency meeting to deal with an unexpected circumstance requiring immediate consideration. The person or persons calling the emergency meeting shall cause notice of the meeting to be given to the other Board members and the public. Local news organizations, having requested notice of special meetings as provided in subsection (e), below, shall be notified of such emergency meetings by the same method used to notify Board members. Only business connected with the emergency may be discussed at the meeting.

- (d) Work Sessions, Retreats, and Committee Meetings. The Board may schedule work sessions, retreats, forums, conventions, associations, and committee meetings, or other information meetings of the Board or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the Board. A schedule of such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special Board meetings.
- (e) Sunshine List. Any individual and/or newspaper, radio station, and television Station desiring notice of all special and emergency meetings of the Board shall file a written request with the Clerk to the Board of Commissioners.

Rule 7. All Meetings Within the County.

- (a) All meetings shall be held within the boundaries of Harnett County, except as otherwise provided by statute or herein.
- (b) Remote Meetings. Upon issuance of a declaration of a state of emergency under G.S. 166A-19.20 that includes Harnett County in the area of emergency, the Board may conduct remote meetings or members may participate remotely, in accordance with this section and Article 33C of Chapter 143 of the General Statutes throughout the duration of that declaration of emergency. Quasi-judicial meetings cannot be heard by remote participation. At the start of a remote meeting or meeting where members are participating remotely through a method of simultaneous communication, the Chairman shall announce that there are members who are participating remotely and each member shall identify themselves.
- (c) A joint meeting with the governing board of any other political subdivision of this or any other state may be held within the boundaries of either subdivision as may be specified in the call of the meeting. At any such joint meeting, this Board reserves the right to vote separately on all matters coming before the joint meeting.
- (d) A special meeting between the Board of Commissioners and its local legislative delegation during a session of the General Assembly; provided, however, that at any such meeting, the members of the Board of Commissioners may not vote upon or otherwise transact public business except with regard to matters directly relating to legislation proposed to or pending before the General Assembly.
- (e) A special meeting called in connection with a retreat, forum, or similar gathering may be held solely for the purpose of providing members of the Board with general information relating to the performance of their public duties; provided, however, that the members of the Board shall not vote upon nor otherwise transact public business while in attendance at such a gathering.

- (f) While in attendance at a convention, association meeting, or similar gathering, a special meeting may be held; provided, however, that any such meeting may be held solely to discuss or deliberate on the Board's position concerning similar issues that are not legally binding upon the Board of Commissioners or its constituents.

Rule 8. Broadcasting and Recording of Meetings

- (a) Except as provided in this rule, any radio or television station may broadcast all or any part of an official Board meeting required to be open to the public. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.
- (b) Any radio or television station wishing to broadcast any portion of any portion of an official Board meeting shall so notify the County Manager no later than two business days before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site is available, the County Manager may require the news media to either pool equipment and personnel or to secure and pay the costs of an alternative meeting site mutually agreeable to the Board and the media representative.
- (c) In the event that a state of emergency or disaster is declared, any meeting, held remotely by electronic means or meetings where the Board meets in person but the public is denied access to the meeting due to the state of emergency, shall be made accessible to the public by streaming online. If the remote meeting is conducted by conference call, the Board must provide the public with an opportunity to dial in or stream the audio live and listen to the remote meeting.

V. AGENDA

Rule 9. Agenda

- (a) The County Manager shall prepare the agenda for each regular, special, and emergency meeting. A request to have an item of business placed on the agenda for a regular meeting must be received by Monday noon of the week preceding the regular meeting day. Any Board member may, by a timely request, have an item placed on the agenda. A request to place an item on the agenda from other than a Board member shall be at the discretion of the County Manager and Chairman of the Board.
- (b) The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. A copy of the agenda packet shall be available to each Board member not later than Wednesday of the week preceding the regular meeting day.
- (c) The Board may, by unanimous vote of the members present, add or delete an agenda item.

(d) The County Manager may propose a consent agenda as part of the main agenda. The consent agenda shall contain those routine items of business that do not normally involve debate. The Board may approve all items on the consent agenda by adopting one (1) motion. The Board may transfer an item from the consent agenda to the main agenda upon a majority vote of the members present and voting. A motion to transfer should normally be made at the beginning of the meeting. The consent agenda may include, but is not limited to, the following routine items of business:

1. Approval of minutes from the prior meeting.
2. Budget amendments/revisions.
3. Disposition of surplus personal property to other governmental agencies.
4. Granting to North Carolina Department of Transportation road right-of-way easements on County property.
5. Resolutions of appreciation, support, and recognition.
6. Resolutions requesting road additions to the state highway secondary road system.
7. Tax releases, tax refunds.

VI. CONDUCT OF DEBATE

Rule 10. Powers of the Chairman.

The Chairman shall preside at all Board meetings. In the absence of the Chairman, the Vice Chairman shall preside at Board meetings. If the Vice Chairman is absent, Board members present may appoint someone to chair the meetings. To address the Board, a member must be recognized by the Chairman. The Chairman shall have the following powers:

- (a) To rule on points of parliamentary procedure, including the right to rule out of order any motion offered for patently 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 members on this ground;
- (c) To call a brief recess at any time;
- (d) To adjourn in an emergency.

Rule 11. Action by the Board.

The Board shall proceed by motion. Any member, including the Chairman, may make a motion. During remote meetings, when a member is participating remotely by a method of simultaneous communication and the members cannot be physically seen by the public, prior to making a motion, the moving member shall identify themselves.

Rule 12. Second Required.

A motion shall require a second. A motion shall be ruled dead by the Chairman if a second is not received within a reasonable period of time.

Rule 13. One Motion at a Time.

A member may make only one motion at a time.

Rule 14. Substantive Motion.

A substantive motion is out of order while another substantive motion dealing with another subject matter is pending.

Rule 15. Substitute Motion.

A substitute motion (an amendment) dealing with the same subject matter as the original substitute motion is in order and shall be acted upon prior to action on the original motion.

Rule 16. Debate.

The Chairman shall state the motion and then open the floor to debate. During remote meetings, when a member is participating remotely by a method of simultaneous communication and the member cannot be physically seen by the public, prior to participating in debate, the speaking member shall identify themselves.

Rule 17. Adoption by Majority Vote.

A motion shall be adopted if approved by a majority of the votes cast, unless otherwise required by these rules or North Carolina laws.

Rule 18. Procedural Motions.

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

(b) In order of priority, the procedural motions are:

- To adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
- To Recess.
- To Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.
- To Suspend the Rules, the motion requires a two-thirds (2/3) vote of the members present.
- To Divide a Complex Motion and Consider it by Paragraph.

- To Defer Consideration. A substantive motion whose consideration has been deferred expires unless a motion to revive consideration is adopted within one hundred (100) days after deferral.
- To Postpone to a Certain Time or Day.
- To Refer to Committee. Sixty (60) days after a motion has been referred to 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.
- To Amend. An amendment to a motion must be germane to the subject of the main motion, but it may not achieve the opposite effect of the main motion. There may be only one amendment to the motion. A motion to amend shall require a second. Any amendment to a proposed ordinance shall be reduced to writing.
- To Revive Consideration. The motion is in order at any time within one hundred (100) days of a vote deferring consideration.
- To Prevent Reconsideration for Six Months. The motion shall be in order only immediately following the defeat of a substantive motion. It requires a vote equal to a quorum and is valid for six (6) months or until the next regular election of County Commissioners, whichever occurs first.

Rule 19. Renewal of Motion.

A defeated motion may not be renewed at the same meeting.

Rule 20. Withdrawal of Motion.

A motion may be withdrawn by the introducer any time before the Chairman puts the motion to a vote.

Rule 21. Duty to Vote.

- (a) It is the duty of each member to vote unless excused by a majority vote according to law. The Board may excuse members from voting on matters involving their own financial interest or official conduct. A member wishing to be excused from voting shall so inform the Chairman, who shall take a vote of the remaining members. A member who fails to vote, not having been **excused**, shall be recorded as voting in the **affirmative**.
- (b) Tie Vote. The effect of a tie vote is that the motion did not carry.
- (c) Votes of each member of a public body made during a remote meeting under a state of emergency or disaster shall be counted as if the member were physically present only during the period while simultaneous communication is maintained for that member. Prior to taking a vote on any issue, the Chairman shall inquire of the member participating remotely whether he or she has been able to monitor the discussion, including any comments from the public. All votes cast by members during remote meetings shall be taken by roll call. Members participating through remote simultaneous communication will not be permitted to vote on any quasi-judicial matters coming before the Board.

Rule 22. Prohibition of Secret Voting.

No vote may be taken by secret ballot. The Clerk shall record the vote of each member in the minutes.

Rule 23. Action by Reference.

The Board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda, or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted on.

Rule 24. Introduction of Ordinances, Resolutions, and Orders.

A proposed ordinance shall be deemed introduced at the first meeting where it is on the agenda, regardless of whether it is actually considered by the Board, and its introduction shall be recorded in the minutes.

Rule 25. Adoption, Amendment, or Repeal of Ordinances.

To be adopted at the meeting where it is first introduced, an ordinance or an action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order or another ordinance requiring a public hearing before adoption) must be approved by all members of the Board of Commissioners. If the proposed measure is approved by a majority, but not by all the members of the Board, or if the measure is not voted on at that meeting, it shall be considered at the next regular meeting of the board. If it then or at any time thereafter within one hundred (100) days of its introduction receives a majority of the votes cast, the measure is adopted.

Rule 26. Quorum.

A majority of the Board membership shall constitute a quorum. During remote meetings or meetings where remote participation is allowed, the majority of the Board present in person or electronically, shall be included in the calculation for determining quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members, he/she shall be counted as present for the purposes of determining whether a quorum is present. The Board may compel the attendance of an absent member by ordering the Sheriff to take the member into custody.

Rule 27. Public Hearing Time Limits.

- (a) The Board of Commissioners reserves the right to limit the length of public hearings. After the Chairman announces the close of a public hearing, no member of the public may address the issue to the board.

- (b) Notwithstanding the above subsection (a), during a state of emergency that allows for remote meetings and pursuant to 166A-19.24(e) the Board may conduct any public hearing required or authorized by law during a remote meeting, and take action thereon, provided the public body allows for written comments on the subject of the public hearing to be submitted between publication of any required notice and 24 hours after the public hearing.

Rule 28. Quorum at Public Hearings.

A quorum of the Board must be present at all public hearings required by law.

Rule 29. Public Comment Periods

- (a) Public comment periods will be limited to a maximum of thirty (30) minutes and each person desiring to speak shall have a maximum of three (3) minutes to make their remarks. A speaker may not speak more than once during the same public comment period. To avoid repetition, groups of individuals who expect to have the same or similar comments are encouraged to select a spokesperson to speak on their behalf.
- (b) Speakers shall address the Board from the podium and begin their remarks by stating their name and residential address.
- (c) Public comment is not intended to require the Board to answer any impromptu questions. The Board should refrain from engaging in a dialogue, except to the extent necessary to clarify the speaker's position. The Board shall not entertain questions from the audience, and discussions between speakers and members of the audience shall be prohibited.
- (d) Speakers shall maintain proper decorum and shall make their comments in a civil manner. Personal attacks and use of obscene and profane language are prohibited.
- (e) Speaker comments should be limited to subjects that are within the Board's jurisdiction. Speakers shall not discuss matters that concern the candidacy of any person seeking public office, including the candidacy of the speaker, closed session matters, those matters which are the subject of public hearings, and any matters intended to promote any individuals' commercial or pecuniary interest.
- (f) Action on items brought up during the Public Comment Period will be at the discretion of the Board.

Rule 30. Minutes.

Minutes shall be kept of all Board meetings.

Rule 31. Appointments.

The Board shall fill County Commissioner vacancies in accordance with G. S. 153A-27.1. The Board shall fill a Register of Deeds vacancy in accordance with G. S. 161-5 and a Sheriff vacancy in accordance with G.S. 162-5. The Board shall use the following procedure to make appointments to fill vacancies in other boards, commissions, and committees over which the Board has power of appointment.

- (a) Any U. S. citizen who is a resident of Harnett County is eligible to serve on appointed boards/commissions/committees of the County where such appointment is not prohibited by state statute.
- (b) All appointees shall either reside or be employed in Harnett County, as required in the specific board or commission's bylaws, while serving on the appointed board or commission.
- (c) All appointments will be made in accordance to the Statute or Ordinance that created the board/commission/committee.
- (d) No citizen may serve more than two appointed positions simultaneously.
- (e) No citizen may serve more than three consecutive terms on any board/committee/commission unless the term is less than three (3) years. No member of any board/committee/commission may serve more than nine (9) consecutive years, unless waived by the Board of Commissioners by a majority vote. Any waiver issued by the Board for a consecutive term over nine (9) consecutive years for an individual is limited to two (2) waivers. Any individual may be reappointed to the same board/committee/commission after remaining off said board/committee/commission for at least one year.
- (f) If a person is appointed to fill someone's unexpired term and serves less than half of a full term, he/she is eligible to serve three full terms.
- (g) If an appointee has unexcused absences which constitute more than 25% of the Board meetings in any calendar year which he or she is required to attend pursuant to his or her appointment, he or she is obligated to resign. Excused absences are defined as absences caused by events beyond one's control. If the individual refuses to resign, he or she may be dismissed by action of the Board of Commissioners subject to state or local law. A calendar year is to be defined as a 12-month period beginning on the date of appointment.
- (h) Each Commissioner will have available to him or her a binder containing a list of all county appointments, with the following data provided:
 - Name of the board, commission, committee, or authority
 - Brief on the functions
 - Statute or cause creating board, commission, committee or authority
 - Number of members and terms of office
 - Current members and terms of office, including number of terms serviced
 - Regular meeting day, time, and location, if determined

(i) Procedures for filling vacancies for appointed positions:

1. Notification of available appointments

- A. A list of available positions stating terms of office, requirements for office, and duties of positions will be available daily on the Harnett County Board of Commissioner's website, posted monthly on Harnett County Social Media pages, and published quarterly in the newspaper by County Administration staff.
- B. Thirty (30) days prior to the terms expiring, staff will notify each person who is eligible for reappointment requesting information on his or her interest in continuing to serve. If an application is not on file, one will be requested at this time. If an individual is not eligible for reappointment, he or she will be notified and given reason for being ineligible.
- C. If, because of policy or otherwise, an individual is unable to be reappointed, he or she will be sent a letter of appreciation by the Chairman of the Board of Commissioners at the expiration of his or her term thanking him or her for the past services rendered.

2. Application Process

- A. Electronic applications are located online at www.harnett.org. Prior to applying applicants are required to read Rule 31. Appointments section of "Rules and Procedure for the Board of Commissioners of Harnett County, North Carolina". This section states policy and procedures for appointments to any County board, commission, committee, or authority. The applicant must then accept the Terms of Acceptance that he or she warrants the truthfulness of the information provided in the application and that he or she accepts the Affirmation of Understanding of Rule 31.
- B. Paper applications are located at the Harnett County Administration Building. Applications will be mailed upon request. Staff will provide a self-stamped addressed return envelope for applicants to return the Affirmation of Understanding and board application to the Harnett County Managers Office.

3. Selection Process

- A. All applications for a particular position will be given to staff to check for eligibility on behalf of the County Manager.
- B. The Clerk to the Board shall be given a copy of the applications to be considered for the Commissioner's review during the work session, prior to the regular voting meeting.

- C. The Clerk to the Board shall list the applications for appointments as an agenda item for the regular board meeting.

4. Notification of Appointment

- A. The County Manager shall prepare a letter of notification to the appointee and a copy to the affected board, notifying each board of the appointment. This letter will include a congratulation statement and expiring terms.
- B. Board or Committee staff will be notified with the new appointee information.

5. Applications

All applications received shall be retained for at least two (2) years. Applications shall be kept on file for all active appointees.

Rule 32. Changes to Rules of Procedure.

The Board may change these rules of procedure upon a vote by two-thirds (2/3) of the members of the Board. Changes shall be effective at the next regular meeting.

These rules shall be effective on October 1, 1994.

Amended 2-6-95. To add Finance Officer to attend closed sessions

Amended 2-7-05. To increase limit of appointments from 2 to 3 consecutive terms

Amended 9-19-11. DELETED Rule 9 (d) agenda shall be published in a newspaper of general circulation . . .

Amended 5-2-16. Rule 30 (e) To allow waivers to increase limit of appointments

Amended 12-3-18 Rule 3. ADD subsection (a)(8) and (a)(9)

Rule 4. ADD If new members are elected, the order . . .

Rule 5. ADD Vice Chairman to title

Rule 6. Regular and Special Meetings

Third Monday of each Month at 6 p.m.

ADD emergency meetings to subsection (e) Sunshine List

Rule 27. DELETE (c) Persons desiring to speak at a public hearing must register with the Clerk to the Board prior to the commencement of the meeting.

Rule 29. ADD Public Comment Section

Amended 5-18-20 Rule 6. ADD . . . or as provided by statute or herein.

Rule 7. ADD subsection (b)

Rule 8. ADD subsection (c)

Rule 11. ADD the requirement that the moving member identify themselves prior to making a motion during a remote meeting.

Rule 16. ADD the requirement that the speaking member identify themselves prior to participating in debate.

Rule 21. ADD subsection (c)

Rule 26. To explain how quorum will be calculated during a board meeting where there is remote participation.

Rule 27. DELETE subsection (a), renumber subsection (b) to subsection (a)
ADD subsection (b)
Amended 9-8-20 Rule 31. Several updates and revisions throughout.