



Town of  
**INDIAN  
TRAIL**  
north carolina

ELECTED OFFICIALS'  
**RULES OF PROCEDURE**



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## Purpose Statement:

The purpose of the Elected Officials Rules of Procedure Document is to provide rules of operations for the formal operations of the Town of Indian Trail Town Council per North Carolina Law and Robert's Rules of Order.

## Rule 1. Applicability of Rules

These rules apply to all meetings of the Town Council of the Town of Indian Trail, North Carolina. For purposes of these rules, a meeting of the Town Council occurs whenever a majority of the Council's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote or otherwise transact public business within the Council'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.

## Rule 2. Quorum

The presence of a quorum is necessary for the Council to conduct business. A majority of members elected to the Council, excluding vacant seats, constitutes a quorum. A member who withdraws from a meeting without being excused by majority vote of the remaining members in attendance is deemed present for quorum purposes.

## Rule 3. Remote Participation

No member who is not physically present for a Council meeting may participate in the meeting by electronic means except in accordance with the Remote Attendance Policy adopted by the Council.

## Rule 4. Meetings to be Open to the Public.

Except as permitted by Rule 6, all meetings of the Council shall be open to the public, and any person may attend its meetings.

## Rule 5. Regular Meetings

The Council shall hold a regular meeting on the second and fourth Tuesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at Indian Trail Town Hall in the Council Chamber and shall begin at 6:30 pm. A copy of the Council's current meeting schedule shall be filed with the Town Clerk and posted on the town website. The Council shall adopt a meeting schedule each year consistent with this Rule.

The Council may amend its regular meeting schedule to add or delete meetings or to change the date, time, or location of one or more meetings on the schedule. The amended schedule shall be filed with the Town Clerk at least (7) calendar days before the day of the first meeting held pursuant to the revised schedule and posted on the Town's website.

## Rule 6. Closed Sessions.

- a. **Motion to Enter Closed Session.** The Council may enter a closed session from which the public is excluded only upon motion duly made and adopted in open session. The motion to enter closed session must cite one or more of the permissible bases for closed session authorized by law.
- b. **Closed Session Participants.** Unless the Council directs otherwise, the city manager, city attorney and city clerk may attend closed sessions of the Council. No other person may attend a closed session unless invited by majority vote of the Council.
- c. **Motion to Return to Open Session.** Upon completing its closed session business, the Council shall end the closed session by adopting a duly made motion to return to open session.

## Rule 7. Special Meetings.

- a. **Calling Special Meetings.** The mayor, mayor pro tempore or any two members of the Town Council may at any time call a special meeting by signing a written notice stating the time and place of the meeting and the subject to be considered. A special meeting may also be called by vote of the Council in open session during a regular meeting or another duly called special meeting.
- b. **Notice to Public.** At least forty-eight hours before a special meeting of the council, notice of the date, time, place, and purpose of the meeting shall be (1) posted at the door of the Council's usual meeting room and (2) delivered, e-mailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Furthermore, notice of the special meeting's date, time, place, and purpose shall be posted on the Town's website in advance of the meeting.
- c. **Notice to Council Members.** At least forty-eight hours before a special meeting called by the mayor, mayor pro tempore or any two members of the Town Council, or called during an open session, written notice of the meeting stating its date, time and place, as well as the subjects to be considered, shall be delivered to the mayor and each Council member or left at his or her usual dwelling place.
- d. **Transacting Other Business.** Unless all members are present or any absent member has signed a written waiver of notice, only those items of business specified in the notice to Council members may be taken up at a special meeting. Even when all members are present or any absent member has signed a waiver, the Council may take up an item of business not covered by the notice only if the Council first determines in good faith that the item must be discussed or acted upon immediately.

## Rule 8. Emergency Meetings.

Emergency meetings of the Council may be called only because of generally unexpected circumstances that require immediate consideration by the Council.

- a. **Calling Emergency Meetings.** There are two methods by which an emergency meeting of the Council may be called:
  - i. The mayor, mayor pro tempore, or any two members of the council may at any time call an emergency council meeting by signing a written notice stating the date, time, and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each Council member or left at his or her usual dwelling place at least six hours before the meeting.
  - ii. An emergency meeting may be held when the mayor and all members of the Council are present and consent thereto, or when any absent member has signed a written waiver of notice.
- b. **Notice to the Media of Emergency Meetings.** Notice of an emergency meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request with the Town Clerk for notice 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, e-mail, or same method used to notify Council members. Notice must be provided immediately after Council members have been notified and at the expense of the party notified.
- c. **Transaction of Other Business Prohibited.** Only business connected with the emergency may be considered at an emergency meeting.

## Rule 9. Recessed or Adjourned Meetings.

When conducting a properly called regular, special or emergency meeting, the Council may recess the meeting to another date, time or place by a procedural motion made and adopted, as provided in Rule 30, Motion 3, in open session. The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene. Notice of the recessed meeting's date, time and place must appear on the Town website prior to the meeting. No further notice of a properly called recessed meeting is required.

## Rule 10. Organizational Meeting.

On the date and at the time of the first regular meeting in December following a general election in which Council members are elected, or at an earlier date, if any, set by the incumbent Council, the Council must hold an organizational meeting. The organizational meeting may not be held before municipal election results are officially determined, certified and published as required by law.

- a. As the first order of business at the Organizational Meeting, the newly elected members shall take and subscribe the oath of office. Each member's oath must be filed with the Town Clerk. Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe, and file the oath before he or she begins performing any of the duties of the member's office.

- b. As the second order of business at the organizational meeting, the Council shall elect from among its members a mayor pro tempore using the procedures specified in Rule 16. The mayor pro tempore shall serve at the Council's pleasure.

### Rule 11. Meeting Minutes.

- a. **Minutes Required for all Meetings.** The Council must keep full and accurate minutes of all of its meetings, including closed sessions. To be "full and accurate," minutes must record all actions taken by the Council. They 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 discussions of the Council, though the Council in its discretion may decide to incorporate such details into the minutes.
- b. **Record of "Ayes" and "Noes."** At the request of any member of the Council, the minutes shall list each member by name and record how each member voted on a particular matter.
- c. **General Accounts of Closed Sessions.** In addition to minutes, the Council must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The Council 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 Minutes.** Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the Council or, if the Council delegates the authority to unseal to one or more staff members in accordance with guidelines adopted by the Council. 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 12. Broadcasting and Recording Meetings.

- a. **Right to Broadcast and Record.** Any person may photograph, film, tape-record, or otherwise reproduce any part of a Council 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 council meeting.
- b. **Advanced Notice.** Any radio or television station that plans to broadcast any portion of a Council meeting shall so notify the Town Clerk 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 Council meeting.
- c. **Equipment Placement.** The town manager may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a council meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the city manager 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 city manager may require the pooling of 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 council grants the request, the news media making the requires shall pay the costs incurred by the city in securing an alternative meeting site.

### Rule 13. Agenda.

- a. **Proposed Agenda.** The Town Clerk and/or town manager, with input from the Mayor 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 four working days before the draft agenda is distributed. Any Council member may, by 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 includes, 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 Council member shall receive an electronic copy of the proposed agenda and the agenda package and they shall be posted online and available for public inspection and distribution to Council members.
- b. **Adoption of the Agenda.** As its first order of business at each meeting, the Council shall review the draft agenda, make whatever revisions it deems appropriate, and adopt a formal agenda for the meeting.
- c. **Amending the Agenda.** Both before and after it adopts the agenda, the Council may add or subtract agenda items by majority vote of the members present and voting, except that:
  - i. the Council may not add to the items stated in the notice of a special meeting unless the requirements in **Rule 7** are satisfied; and
  - ii. Only business connected with the emergency may be considered at an emergency meeting.
- d. **Designation of items for "Discussion and Possible Action."** The Council may designate an agenda item "for discussion and possible action." The designation signifies that the Council intends to discuss the item and may, if it so chooses, take action on the item following the discussion.
- e. **Consent Agenda.** The Council may designate part of an agenda for a regular meeting as *consent agenda*. Items may be placed on the consent agenda by the person(s) charged with preparing the draft agenda if the items are judged to be noncontroversial and routine. Prior to the Council's adoption of the meeting agenda, the request of any member to have an item moved from the consent agenda to unfinished business must be honored by the Council. All items on the consent agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.
- f. **Informal Discussion of Agenda Item.** The Council may informally discuss an agenda item even when no motion regarding that item is pending.

- g. Acting by Reference to Agenda or Other Document.** The Council shall not deliberate, vote or otherwise take action on any matter by reference to the agenda or any other document with the intention of preventing persons in attendance from understanding what action is being considered or undertaken. The Council may deliberate and vote by reference to the agenda or any item on the agenda, including the consent agenda, provided copies of the agenda are available for public inspection at the meeting and are sufficiently worded to enable the public to understand what is being deliberated or acted upon.
- h. Agenda Items from Members of the Public.** Any individual or group who wishes to address the Council shall make a request to be on the agenda to the town clerk and/or town manager. However, the Council shall determine at the meeting whether it will hear the individual or group.

### Rule 14. Order of Business.

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows. Without objection, the mayor may call agenda items in any order most convenient for the dispatch of business.

- Call to Order
- Determination of Quorum
- Approval of Agenda
- Presentations
- Mayoral Proclamations
- Public Comments
- Law Enforcement Update
- Consent Agenda
- Public Hearings
- Old Business
- New Business
- Discussion Items
- Manager Update
- Council Comments
- Closed Session
- Adjournment

### Rule 15. Office of the Mayor.

The mayor shall preside at all meetings of the Council and shall have the right to vote only when there is a tie. In order to address the Council, a member must be recognized by the mayor. The mayor or other presiding officer shall enforce these rules and maintain order and decorum during meetings. To that end, the mayor may:

- Rule on motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- 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;
- To entertain and answer questions or parliamentary procedure;
- Call a brief recess at any time;
- Adjourn in an emergency.

A decision by the presiding officer may be appealed to the Council upon motion of any member pursuant to Rule 30, Motion 1. Such a motion is in order immediately after 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.

### Rule 16. Office of Mayor Pro Tempore.

At the organizational meeting, the Council shall elect from among its members a mayor pro tempore to serve at the Council's pleasure. A Council member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a Council member for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the Council may confer on the mayor pro tempore any of the mayor's powers and duties. If the mayor should become physically or mentally unable to perform the duties of his or her office, the Council may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When a mayor declares that he or she is no longer incapacitated, and a majority of the Council concurs, the mayor shall resume the exercise of his or her powers and duties. If both the mayor and mayor pro tempore are absent from a meeting the Council may elect from among its members a temporary chairman to preside at the meeting.

### Rule 17. Other Presiding Officer.

If both the Mayor and the Mayor pro tempore are absent, the Council may elect from among its members a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the powers listed in Rule 15. Service as a temporary presiding officer does not relieve a member of the duty to vote on all questions unless excused from voting pursuant to Rule 26.

### Rule 18. When Presiding Officer is in Active Debate.

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

### Rule 19. Action by Council.

Unless otherwise provided in these rules, the Council shall act by motion. Any member may make a motion, not including the mayor.

## Rule 20. Second Not Required.

A motion shall not require a second.

## Rule 21. One Motion at a time.

A member may make only one motion at a time. A substantive motion is out of order while another substantive motion is pending.

## Rule 22. Withdrawal of Motion.

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

## Rule 23. Debate.

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

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

## Rule 24. 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 25. Changing a Vote.

A member may change his or her 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 his or her vote without the unanimous consent 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 26. Duty to Vote.

Every Council member must vote except when excused from voting as provided in this Rule.

- a. Grounds for Excusal.** A member may be excused from voting on a matter involving the member's own financial interest or official conduct, except if the proposal in question is one to alter the compensation or allowances paid to Council members. Members may also be excused from voting when prohibited from voting under G.S. 14-234 (contract providing direct benefit to member); G.S. 160A-381(d) (legislative zoning decision likely to have a direct, substantial and readily identifiable financial impact on member); or G.S. 160A-388(e)(2) (member's

participation in a quasi-judicial decision would violate affected person's right to an impartial decision maker). Questions about whether a basis for excusal exists should be directed to the town attorney.

**b. Procedure for Excusal.**

- i. At a Member's Request.** Upon being recognized at a duly called meeting of the Council, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.
- ii. On the Council's Initiative.** Even when a member has not asked to be excused from voting on a matter, a majority of the remaining Council members present may by motion and vote excuse the member from voting if grounds for doing so exist under paragraph (b).

**c. Consequences of Non-Excused Failure to Vote.** Except as specified in paragraph (e), if a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote provided:

- i.** the member is physically present in the Council chamber or
- ii.** the member has physically withdrawn from the meeting without being excused by majority vote of the remaining members present.

**d. Failure to Vote on Certain Zoning Matters.** If the motion concerns a proposal to amend, supplement or repeal a zoning ordinance, a member's unexcused failure to vote shall **not** be recorded as an affirmative vote. Instead, the member's unexcused failure to vote shall be recorded as an **abstention**.

### Rule 27. Voting by Written Ballot.

The Council may choose to vote by written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the Council shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the Town Clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

### Rule 28. Ratification of Actions.

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

## Rule 29. Substantive Motions.

A substantive motion is not in order if made while another motion is pending. Once the Council 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 30, Motion 14.

## Rule 30. Procedural Motions

- a. **Certain Motions Allowed.** The Council may consider only those procedural motions 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:
  - i. any procedural motion other than an appeal (under Motion 1) is subject to amendment as provided in Motion 12 (*to Amend a Motion*), and
  - ii. a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 9 (*to End Debate*).
  - iii. When several procedural motions are pending, voting must begin with the procedural motion highest in priority, provided that a motion to amend or end debate on the highest priority must 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 council 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 9. 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 Council is in closed session.

**Motion 4. To Take a Brief Recess.**

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

**Motion 6. To Suspend the Rules.** To be adopted, a motion to suspend the rules must receive affirmative votes equal to **at least two-thirds** (= 4 of 5; 3 of 4; or 2 of 3) of the Council's actual

membership excluding vacant seats and not counting the mayor. The Council may not suspend provision in these rules that are required under state law.

**Motion 7. To Divide a Complex Motion.** This motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.

**Motion 8. To Defer Consideration.** The Council 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 Council votes to revive it pursuant to Motion 13 within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

**Motion 9. To End Debate.** 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 10. To Postpone to a Certain Time.** This motion may be employed to delay the Council's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting or hour. During the period of postponement, the Council may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

**Motion 11. To Refer a Motion to Committee.** The Council may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the council may not take up 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 60 days of the referral date, the Council must take up the motion if asked to do so by the member who introduced it.

**Motion 12. To Amend.**

- a. **Germaneness.** A motion to amend must concern the same subject matter as the motion it seeks to alter.
- b. **Limit on Numbers of Motions to Amend.** 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.
- c. **Amendments to Ordinances.** Any amendment to a proposed Ordinance must be reduced to writing before the vote on the amendment.

**Motion 14. To Reconsider.** The Council may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting during which the action to be reconsidered was taken and (b) 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 Council's deliberation on a pending matter.

**Motion 15. To Rescind.** The Council may vote to rescind an action taken at a prior meeting provided rescission is not forbidden by law.

**Motion 16. 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 votes equal to at least two-thirds of the Council's actual membership, excluding vacant seats and not counting the mayor. If this motion is adopted, the ban on reintroduction remains in effect for six months or until the Council's next organizational meeting, whichever occurs first.

### Rule 31. Date of Introduction - Ordinances.

For purposes of these rules, the "date of introduction" for proposed ordinance is the date on which the council first votes on the proposed ordinance's subject matter. The Council votes on the subject matter of a proposed ordinance when it votes on whether to adopt or make changes to the proposed ordinance.

### Rule 32. Adoption, Amendment, and Repeal of Ordinances.

- a. No proposed ordinance shall be adopted unless it has been reduced to writing and distributed to members before a vote on adoption is taken.
- b. To be approved on the date of introduction (Rule 31), a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to a least two-thirds of the Council's actual membership, excluding vacant seats and not counting the mayor.
- c. To be approved after the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least a majority of all Council members not excused from voting on the matter. In calculating the number of affirmative votes necessary, the mayor's vote counts if there is an equal division.
- d. The enacting clauses of all ordinances shall be, "Be it ordained by the Council of the Town of Indian Trail." All ordinances shall take effect upon adoption unless otherwise provided therein.
- e. **Amendment and Repeal of Ordinances.** The same voting requirements that govern the adoption of proposed ordinances also apply to the amendment or repeal of an ordinance.

### Rule 33. Adoption of the Budget Ordinance.

- a. Notwithstanding any provision in the town charter, general law, or local act,
  - i. The Council may adopt or amend the budget ordinance at a regular or special meeting of the Council by a simple majority of those members present and voting, a quorum being present;
  - ii. No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Council;

- iii. The adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provision of any city charter or local act concerning initiative or referendum.
- b. **Notice Requirements for Budget Meetings.** During the period beginning with the submission of the budget to the Council and ending with the adoption of the budget ordinance, the Council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as:
  - i. Each member of the Council has actual notice of each special meeting called for the purpose of considering the budget and
  - ii. No business other than consideration of the budget is taken up.
- c. **No Authority for Closed Sessions.** This rule shall not be construed to authorize the Council to hold closed sessions on any basis other than the grounds set out in Rule 6.

### Rule 34. Approval on Contracts and Authorization of Expenditures

- a. **Contracts to be in Writing.** No contract shall be approved or ratified by the Council unless it has been reduced to writing at the time of the Council's vote.
- b. **Approval of Contracts.** To be approved or ratified, a contract must receive affirmative votes equal to at least a majority of all Council members not excused from voting on the contracting, including the mayor's vote in the event of a tie.
- c. **Authorization of Expenditure of Public Funds.** The same vote necessary to approve or ratify a contract is required for council to authorize the expenditure of public funds, except when the expenditure is authorized pursuant to Rule 34.

### Rule 35. Public Hearings

- a. **Calling Public Hearings.** In addition to holding public hearings required by law, the Council may hold any public hearings it deems advisable. The Council may schedule hearings or delegate that responsibility to city staff members, as appropriate, except when state law directs the Council itself to call the hearing. If the Council delegates scheduling authority, it must provide adequate guidance to assist staff members in exercising that authority.
- b. **Public Hearing Locations.** Public hearings may be held anywhere within the city or within the county where the city is located.
- c. **Rules for Public Hearing.** The Council may adopt reasonable rules for public hearings that, among other things, i) fix the maximum time allotted to each speaker; ii) provide for the designation of spokespersons for groups of persons supporting or opposing the same positions; iii) provide for the maintenance of order and decorum in the conduct of the meeting.

- d. **Notice of Public Hearing.** Any public hearing at which a majority of the Council is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and as such notice must be provided together with notice of the meeting during which the hearing will take place.
- e. **Continuing Public Hearings.** The Council may continue any public hearing without further advertisement to a time and place certain, 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. Except for hearings conducted pursuant to paragraph (g), if a quorum of the Council is not present for a properly scheduled public hearing, the hearing must be continued until the Council's next regular meeting without further advertisement.
- f. **Conduct of Public Hearings.** At the time appointed for the hearing, the mayor shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the Council for the hearing. Unless the Council extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the mayor shall entertain a motion to close the hearing, and the Council shall resume the regular order of business.
- g. **Public Hearings by Less than a Majority of Council Members.** Nothing in this rule prevents the Council from appointing a member or members to hold a public hearing on the Council's behalf, except when state law requires that the Council itself conduct the hearing.

### Rule 37. Public Comment Periods.

- a. **Frequency of Public Comment Periods.** The Council must provide at least one opportunity for public comment each month at a regular meeting, except that the Council need not offer a public comment period during any month in which it does not hold a regular meeting.
- b. **Rules for Public Comment Periods.** The Council may adopt reasonable rules for public comment periods that, among other things:
  - i. fix the maximum time allotted to each speaker
  - ii. provide for the designation of spokespersons for groups supporting or opposing the same positions;
  - iii. provide for the maintenance of order and decorum in the conduct of the hearing.
- c. **Content-Based Restrictions Generally Prohibited.** The Council may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the Council's real or apparent jurisdiction.

### Rule 38. Appointments

- a. **Appointments in Open Session.** The Council must consider and make any appointment to another body or, in the event of a vacancy on the Council, to its own membership in open session.

- b. **Nominating and Voting Procedure.** The Council shall use the following procedure to fill a vacancy in the Council itself or in any other body over which it has the power of appointment. The Mayor shall then open the floor for nominations, whereupon Council members may put forward and debate nominees. When debate ends, the mayor shall call the roll of the members, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast during a single balloting.
- c. **Mayor.** The mayor may not make nominations or vote on appointments under this rule. *Exception Per the Town's Charter: "When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his own vote and shall vote in no other case."*
- d. **Multiple Appointments.** If the Council is filling more than one vacancy, 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 vacancy during a single balloting.
- e. **Duty to Vote.** It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so shall not invalidate a member's ballot.
- f. **Vote by Written Ballot.** The Council may vote on proposed appointment by written ballot in accordance with Rule 27.

### Rule 39. Committees and Councils.

- a. **Establishment and Appointment.** The Council may establish temporary and standing committees Councils and other bodies to help carry on the work of the town government. Unless otherwise provided by law or the Council, the power of appointment to such bodies lies with the Council.
- b. **Open Meetings Law.** The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the city's professional staff.
- c. **Procedural Rules.** The Council may prescribe the procedures by which the city's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. In the absence of rules adopted by the Council, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.

### Rule 40. Amendment of the Rules.

These rules may be amended 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 be consistent with the city charter, any relevant statutes, and generally accepted

principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the Council's members, excluding vacant seats.

**Rule 41. Reference to Robert's Rules of Order Newly Revised.**

The Council 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 mayor shall make a ruling on the issue subject to appeal to the Council under Rule 31, Motion 1.

In the event any of these rules conflict with the Town Charter, the Town Charter controls.

Adopted this 28<sup>th</sup> day of January 2020.



**TOWN COUNCIL OF INDIAN TRAIL**

  
\_\_\_\_\_  
Michael Alvarez, Mayor

**Attest:**

  
\_\_\_\_\_  
Kathy Queen, Town Clerk