

Elizabeth City-Pasquotank County Airport (ECG) Authority Board

RULES OF PROCEDURE

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RULES OF PROCEDURE: Elizabeth City-Pasquotank County Airport (ECG) Authority Board

Rule 1. Regular Meetings

The Board shall hold a regular meeting on the fourth Wednesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. Observed legal holidays are determined by the State of North Carolina and made available to the Airport through Pasquotank County in August of each year. The meeting shall be held in the General Aviation Terminal Board room, located at 1028 Consolidated Road, Elizabeth City NC and shall begin at 6 p.m. On the Friday prior to the scheduled meeting a copy of the Board's current meeting agenda shall be (1) delivered via email to the Chairman and each board member; (2) posted inside the Terminal building and on the front door of the Terminal building; (3) mailed or delivered electronically to each newspaper, wire service, radio station, television station and person who has filed a written request for the notice with the Managing Director; and (4) posted on the Airport website: www.ecgairport.com.

Rule 2. Special, Emergency, and Recessed (or Adjourned) Meetings

I. Special Meetings.

A. The Board Chairman, Vice Chairman, or any two members of the Board may at any time call a special Board meeting by delivering to the Managing Director a signed written notice stating the time and place of the meeting and subject(s) to be considered. Such notice must be received in sufficient time to meet the following schedule. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating the time and place and the subjects to be considered shall be (1) delivered via email to the Chairman and each Board member; (2) posted inside of the Terminal building, and on the front door of the Terminal building; and (3) mailed or delivered electronically to each newspaper, wire service, radio station, television station and person who has filed a written request for notice with the Managing Director; and (4) posted on the Airport website before the scheduled time of the meeting. Only those items of business specified in the notice may be transacted at special meeting called in this manner.

B. A special meeting may also be called or scheduled by vote of the Board in an open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place and purpose. At least forty-eight hours before a special meeting, called in this manner, notice of the time, place, purpose shall be (1) posted in the Terminal building, and on the front door of the Terminal; and (2) mailed or delivered to each newspaper, wire service, radio station, television station and person who has filed a written request for notice with the Managing Director. Such notice shall also be mailed or emailed at least forty-

eight hours before the meeting to each Board member not present at the meeting at which the special meeting was called or scheduled.

C. When an event sponsored by or held on behalf of the Authority will occur then a notice of this event stating the purpose of the event, that a quorum of the Authority might be present but that no business will be conducted shall be promulgated under the same rules as notice for a regular or special meeting.

II. Emergency Meetings

- A. Emergency meetings of the Airport Board may be called only because of generally unexpected circumstances that require immediate consideration by the Board. Only business connected with the emergency may be considered at an emergency meeting. One of the following two procedures must be followed to call an emergency meeting of the Board:
- B. The Chairman, the Vice Chairman, or any two Board members may at any time call an emergency Board meeting by signing a written notice stating the time and place of the meeting and the subjects considered. The notice shall be delivered via email to the Chairman and each Board member at least six hours before the meeting.
- C. An emergency meeting may be held at any time when the Chairman and all members of the Board are present and consent thereto, or when those not present have signed a written waiver of notice, but in either case only if the Board complies with the notice provisions of the next paragraph.
- D. Notice of an emergency meeting under (1) or (2) shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspapers', wire services', or stations' telephone number, with the Managing Director. This notice shall be given either by telephone or by the same method used to notify the Chairman and the other Board members and shall be given at the expense of the party notified. The notice shall also be posted on the front door of the Terminal and on the Airport website. Notice shall be given at earliest possible time in order to inform the public prior to meeting.

- III. Recessed (or Adjourned) Meetings. A properly called regular, special, or emergency meeting may be recessed (or adjourned) to a time and place certain by procedural motion made and adopted as provided in Rule 18, Motion 2, in open session during the regular, special, or emergency meeting. This motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed (or adjourned) session of a properly called regular, special, or emergency meeting.

Rule 3. Call-In Procedure

- I. A member may attend a regularly scheduled meeting or a special called meeting by means of an electronic device, which will (1) allow the absent member to hear (and if feasible, see) the other Airport Authority members, airport staff and other attendees of the meeting and (2) allow the other members, airport staff and other attendees of the meeting to hear (and, if feasible, see) the absent member.
- II. The absent member shall be counted in determining the presence of a quorum and shall have the right to vote on all items before the Airport Authority. The minutes of the meeting shall identify the members present at the meeting and the member(s) attending by electronic device.
- III. Remote participation in a regularly scheduled meeting or special called meeting by a member shall only be allowed in cases whereby the member (or an immediate family member) is ill or disabled; or, the member is out of town. Remote participation in meetings by a member shall be limited to three times per calendar year for a regular meeting.
- IV. There shall be no limit on remote participation for a special meeting. In order for a member to participate in a meeting by electronic means, a notice must be filed with the airport manager at least twenty-four hours in advance of the meeting. In addition, the Airport Authority members shall receive notice of the request in advance of the meeting.

Rule 4. Organizational Meeting

The meeting on the date and at the time of the first regular meeting in July when Board members are appointed, or at an earlier date, if any, set by the incumbent Board, shall be considered an Organizational Meeting. As the first order of business, any newly elected members shall confirm that they have taken or take and subscribe the oath of office before the County Clerk. As a second order of business, the Chairman will nominate a Vice Chairman, a Treasurer, and a Secretary for the Board's approval by a majority vote. As the third order of business, the Board shall adopt its standing Rules of Procedure for the current fiscal year.

Rule 5. Agenda

- I. Proposed Agenda. The Managing Director shall prepare a proposed regular meeting agenda for each meeting. A request to have an item of business placed on the agenda must be received no later than noon on the Friday before the meeting. Any Board member may, by a timely request, have an item placed on the proposed agenda. The proposed agenda will be distributed to the Board members via email on the Friday before the scheduled Board meeting, along with the minutes from the last Board meeting. Comments and suggestions will be compiled by the Managing Director. The

final agenda will be posted in the Terminal on the Monday before the Board meeting and on the Airport website: www.ecgairport.com.

- II. Adoption of the Agenda. As its first order of business at each meeting, the Board shall, as specified in Rule 6, adopt an agenda for the meeting.
- III. Open Meetings Requirements. In accordance with N.C.G.S. 143-318.11 (see Appendix A for details), the Board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number, or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the Board to understand what is being deliberated, voted, or acted on. The Board may, however, deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on, are available for public inspection at the meeting.

Rule 6. Presentations to the Board

Any individual or group who wishes to make a presentation to the Board shall deliver a written request to be put on the agenda to the Managing Director no later than Close of Business on the Wednesday before the next regularly scheduled Board meeting. The Director shall inform all Board members of this request no later than Close of Business on the Thursday before the regular meeting and if there are no objections add it to the agenda. In lieu of this procedure, individuals or groups may contact Board members to have that member request that the item to be considered by the Board and placed on the agenda.

Rule 7. Rules for Public Participation

- I. Public Comment: The public is encouraged to offer comments on issues which impact the operation, administration, management, development or other issues falling within the purview and control of the Airport Authority. Board meetings are business meetings and the right to limit discussion rests with the Board. Generally, remarks by an individual will be limited to three minutes or less. The Chairman or presiding officer has discretion to adjust the amount of time allocated. Additionally, the Chairman or presiding officer has the discretion to rule any comments out of order and if necessary curtail the speaker's time.
 - A. Public Hearings: Any citizen is entitled to speak on the specific items under this section.
 - B. Comments and Inquiries from the Public: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the Board under this section. The Board shall withhold comment.
 - C. Regular Agenda: When extraordinary circumstances or reasons exist, citizens must be recognized by the Chairman to speak on any regular agenda item.

- II. **Addressing the Board:** At the appropriate time, please stand and state your name and physical address for the record. Please speak in order that your comments may be heard by all present. All comments should be addressed to the Board as an entire body and not to individual Board members or other Airport staff. In keeping with the Board's right to maintain order and decorum during its meetings, no person will be allowed to willfully disrupt, disturb, or interrupt a Board meeting. If a person does so, and he or she then refuses to leave the meeting after being ordered to do so by the presiding officer, he or she may be charged with a misdemeanor under N.C.G.S 143-318.7.
- III. **Responses from Board:** The presiding officer and other members of the Board will not respond specifically to a speaker's comments during the public participation portion of a Board meeting other than to express thanks for the speaker's comments. However, an opportunity will be given to correct any non-factual comments by the speaker.
- IV. **Appeals from Board Decision:** Any person who wishes to appeal a decision of the Board must ensure a verbatim record of the meeting is produced. The Airport neither produces nor provides such a record.
- V. **Special Accommodations:** The Airport will furnish auxiliary aids and services to afford an individual with a disability an opportunity to participate in Board meetings. The Managing Director shall be contacted 24 hours prior to the event in order to accommodate the request.

Rule 8. Order of Business Items will be addressed according to the following order of business.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE TO THE FLAG
- C. AGENDA ADJUSTMENTS AND APPROVAL
- D. DISCUSSION AND APPROVAL OF PREVIOUS MINUTES
- E. PRESENTATIONS
- F. PUBLIC COMMENT
- G. CHAIRMAN'S COMMENTS
- H. TREASURER'S REPORT
- I. DIRECTOR'S REPORT
- J. BOARD COMMENTS
- K. OLD BUSINESS
- L. NEW BUSINESS
- M. CLOSED SESSION (IF NEEDED)
- N. ADJOURNMENT

Rule 9. Office of the Chairman

- I. The Chairman shall preside at all meetings of the Board and shall vote only when there is a tie. In order to address the Board, a member must be recognized by the Chairman. The Chairman, or other presiding officer shall have the following powers:

- A. To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes.
 - B. To enforce the Board's operating principles as follows:
 - a. Come to the meeting prepared
 - b. Check out our assumptions before taking actions
 - c. Show respect to each other, staff, citizens and in our work and Community.
 - d. Choose your words carefully, but be specific
 - e. Focus on the issues and not the personalities
 - C. To entertain and answer questions of parliamentary law or procedure.
 - D. To call a brief recess at any time.
 - E. To adjourn in an emergency.
 - F. To determine whether any speaker has gone beyond reasonable standards of courtesy, or has strayed from the topic under consideration or discussion, in his or her remarks.
- II. A decision by the presiding officer under A, B or C may be appealed to the Board upon motion of any member. Such a motion does not require a second and is in order immediately after a decision under A, B or C 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 10. Office of the Vice Chairman

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

Rule 11. When the Presiding Officer is in Active Debate

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

Rule 12. Action by the Board

The Board shall proceed by motion, except as otherwise provided for in Rule 4 and Rule 31. Any member may make a motion, except the presiding officer

Rule 13. One Motion at a Time

A member may make only one motion at a time.

Rule 14. Substantive Motions

- I. A substantive motion is any motion other than a procedural motion which deals with any subject within the Board's legal powers, duties, and responsibilities. A substantive motion is the only way the Board can act, unless it has adopted a special rule to deal with a particular situation. Another substantive motion is out of order while a substantive motion is pending.
- II. A substantive motion shall require a second. The maker of the substantive motion shall have the right to the first and last opportunity to address the matter discussed in the motion.

Rule 15. Adoption by Majority Vote

A motion shall be adopted by a majority of votes cast, a quorum as defined in Rule 26 being present, unless otherwise required by these rules or laws of North Carolina. A majority is more than half.

Rule 16. Voting by Written Ballot

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

Rule 17. Debate

- I. The Chairman shall state the motion and then open the floor to debate. The Chairman shall preside over the debate according to the following general principles:
 - A. The maker of the motion is entitled to speak first and last.
 - B. A member who has not spoken on the issue shall be recognized before someone who has already spoken.
 - C. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
 - D. Board members shall abide by the operating principles.

Rule 18. Ratifications of Actions

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

Rule 19. Procedural Motions

- I. **Certain Motions Allowed:** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Each motion does not need a second, is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.
- II. **Order of Priority of Motions.** In order of priority, the procedural motions are:

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.

A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Board, as specified in Rule 9.II. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Motion 2. To Adjourn (or recess). The motion may be made only at the conclusion of Board consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess (or adjourn) to a time and place certain shall also comply with the requirements of Rule 2 III.

Motion 3. To Take a Brief Recess

Motion 4. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or the right to make it is waived in favor of the out-of-order item in question.

Motion 5. To Suspend the Rules. The Board may not suspend provisions of the rules that state requirements imposed by law on the Board. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the Board, excluding the Chairman, and vacant seats.

Motion 6. To Go into Closed Session. The Board may go into closed session for one or more of the permissible purposes under G.S. 143-318.11 (a), see Appendix A for details. The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. The motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G. S. 143-318.11 (a)(3) shall identify the parties in each existing lawsuit concerning which the Board expects to receive advice during the closed session, if in fact such advice is received.

Motion 7. To Leave Closed Session.

Motion 8. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Motion 9. To Defer Consideration. The Board may defer a substantive motion for later consideration at an unspecified time. A substantive motion, the consideration of which has been deferred, expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion

Motion 10. Motion for the Previous Question. The motion is not in order until there have been at least 20 minutes of debate and every member has had an opportunity to speak once.

Motion 11. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules.

Motion 12. To Amend. (a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend. (b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote. (c) Any amendment to a proposed motion shall be reduced to writing before the vote on the amendment.

Motion 13. To Revive Consideration. The Board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9. The motion is in order at any time within 100 days after the day of a vote to defer consideration.

Motion 14. To Reconsider. The Board may vote to reconsider its action taken on a matter at the current meeting. The motion to do so must be made by a member who voted with the prevailing side (the majority side, except in case of a tie; in that case the “nos” prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess (or adjournment) to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

Motion 15. To Rescind or Repeal. The Board may vote to rescind actions previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal action is forbidden by law.

Motion 16. To Prevent Reintroduction for (Six) Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual members of the Board excluding the Chairman and vacant seats. If adopted, the restriction imposed

by the motion remains in effect for (six) months or until the next organizational meeting of the Board, whichever occurs first.

Rule 20. Renewal of Motion

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

Rule 21. Withdrawal of Motion

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

Rule 22. Duty to Vote

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the Board room, or has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

Rule 23. Adoption of the Budget

- I. Notwithstanding the provisions of any charter, general law, or local act:
 - A. Any action with respect to the adoption or amendment of the budget may be taken at any regular or special meeting of the Board by a simple majority of those present and voting, a quorum being present.
 - B. No action taken with respect to the adoption or amendment of the budget need be published or is subject to any procedural requirement governing the adoption or resolution by the Board; and
 - C. The adoption and amendment of the budget is not subject to the provisions of any charter or local act concerning initiative or referendum.

Rule 24. Closed Sessions

- I. The Board may hold closed sessions as provided by law (see appendix A). The Board shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session.
- II. If the motion is based in G.S. 143-318.11 (a) (1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered public record), it must also state the name or the citation of the law that renders the information to be discussed to be privileged or confidential.

- III. If the motion is based on G.S 143-318.11 (a) (3) (consultation with attorney; handling or settling of claims, judicial actions, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session.
- IV. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The Board shall terminate the closed session by a majority vote. Only those actions authorized by statute may be taken in closed session.
- V. A motion to adjourn or recess a regular meeting shall not be in order during a closed session. Items discussed in a closed session shall be kept confidential in order to avoid bad publicity, loss of credibility, loss of public confidence, legal challenge due to violation of state law, personal liability and loss of trust.

Rule 25. Quorum

The majority of the actual membership of the Board plus the Chairman, excluding vacant seats, shall constitute a quorum. A majority is more than half. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

Rule 26. Public Hearings

- I. Public hearings required by law or advisable to the Board shall be adopted by a majority vote that sets forth the subject, date, place, and time of the hearing. The rules for the hearing may include, but are not limited to: (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of the spokesperson for groups of persons supporting or opposing the same position; (c) providing for the selection of delegates from groups of case of hearings subject to open meetings law, for those excused from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.
- II. All notice and other requirements of the open meetings law applicable to the Board meetings shall also apply to public hearings at which a majority of the Board is present; such a hearing is considered to be part of a regular or special meeting of the Board. These requirements also apply to hearings conducted by appointed or elected committees of the Board, if a majority of the committee is present. A public hearing for which any notices required by open meeting law or other provisions of law have been given may be continued to a time and place certain without further advertisement.
- III. The requirements of Rule 2 (c) shall be followed in continuing a hearing at which a majority of the Board is present. At the time appointed for the hearing, the Chairman

or his designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

Rule 27. Quorum at Public Hearings

A quorum of the Board shall be required at all public hearings required by the state law. If a quorum is not present at such a hearing, the hearing shall be continued to the next regular Board meeting without further advertisement.

Rule 28. Minutes

- I. Full and accurate minutes of the Board proceedings, including closed sessions, shall be kept. The Board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public except as otherwise provided in this rule and are to be posted the Airport website once approved. The exact wording of each motion and the results of each vote shall be recorded in the minutes and on the request of any members of the Board, the “ayes” and “nays” upon any questions shall be taken. Members’ and other persons’ comments may be included in the minutes if the Board approves.
- II. Minutes and general accounts of closed sessions may be sealed by action of the Board. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

Rule 29. Amendment of the Rules

These rules may be amended at any regular meeting or at any called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the charter, general law, and generally accepted principles of parliamentary procedure. Adoption of an amendment shall require an affirmative vote equal to or greater or greater than two-thirds of the voting members of the Board, excluding vacant seats and the Chairman.

Rule 30. Reference to *Roberts Rules of Order Newly Revised* (RONR)

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the Board shall refer to the latest edition of *Roberts Rules of Order Newly Revised*, to answer unresolved procedural questions.

APPENDIX A

Excerpt from North Carolina General Statutes - § 143-318.11. Closed sessions.

(a) Permitted Purposes. - It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (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.
- (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 public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall 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 public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body 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. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.
- (9) 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 taken or to be taken to respond to such activity.
- (10) To view a recording released pursuant to G.S. 132-1.4A.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session. - A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s.1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss.3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2;1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2; 2013-360, s. 8.41(b); 201479,s.9(a); 2016-88, s. 3.)