

## RULES OF PROCEDURE FOR THE MONROE CITY COUNCIL

ADOPTED JANUARY 8, 2019

### 1. Regular Meetings

At its organizational meeting, and on an annual basis in years when no organizational meeting is held, the City Council shall fix the time and place of its regular meetings. Its regular meeting schedule may be changed by the Council at any time upon compliance with the notice provisions of the open meetings law.

### 2. Special Meetings

Upon compliance with the notice provisions of the open meetings law, the Mayor, the Mayor Pro Tempore (only in the absence of the Mayor), or any two members of the City Council, may at any time call a special meeting by causing a written notice, stating the business to be transacted and the time and place of holding such meeting and signed by the person or persons calling the same to be delivered in hand to each member or to be left at his or her usual dwelling or place of business at least six (6) hours before the time of such meetings. Only the business stated in the written notice may be transacted at the special meeting so called, except when the Mayor and all members of the Council are present and consent to the transaction of other business.

### 3. Organizational Meeting

At the first regular meeting in December following a general election in which Councilmembers are elected, the Mayor and Councilmembers elected at the general election shall take and subscribe the oath of office as the first order of business. As the second order of business, the Council shall elect from its members a Mayor Pro Tempore who shall hold office at the pleasure of the Council.

### 4. Agenda Procedures

- a. The City Clerk and the City Manager shall prepare the agenda for the meeting. The Mayor, City Manager, City Clerk, City Attorney, or any two members of the Council may place an item on any agenda. The Mayor and each member of the Council shall receive a copy of the agenda and it shall be available for public inspection when it is distributed to the Mayor and Council.
- b. During its consideration of the agenda, Councilmembers shall confine their discussion and comments to only those items that appear on the agenda. For purposes of this subsection, any issue which is raised by a speaker at a Public Comment Period shall be considered an agenda item for purposes of questions and discussion, but not for action unless all Councilmembers agree in accordance with

subsection (c) below.

- c. Any matter which is not on the agenda may be discussed upon the completion of the agenda. The Council may not take formal action on any non-agenda matter unless all Councilmembers present, vote to add the matter to the agenda. A motion to suspend the rules shall not be in order if the purpose of the motion is to suspend the requirement of unanimity necessary to add a non-agenda matter to the agenda.
- d. The Mayor or any member of Council may request the City Manager to place an item on a future agenda by making such a request at a Council meeting. Unless a Councilmember or the City Manager objects, the requested item shall be included. If a Councilmember or the City Manager has an objection, the item in question shall not be included on a future agenda, unless a majority of the Council then present at the meeting, votes in favor of including the item.
- e. The City Council shall periodically hold strategic planning meetings to discuss issues of a policy nature and to determine the necessity for further action. The Office of the City Manager and the City Clerk shall prepare an agenda for the meeting and the City Clerk shall record and provide minutes of the meeting.

## 5. Addressing Council

- a. No person in addressing the City Council, except as otherwise provided herein, shall be allowed to speak more than three (3) minutes unless the Mayor allows an extension of time. The Mayor, as the presiding officer, may in his or her discretion, subject to appeal, shorten the time for speaking when an unusually large number of persons have registered to speak. Citizens may yield their time to another person or to a spokesperson for a group only when addressing a scheduled agenda item, where public comment is permitted such as a public hearing or the public comment period.
- b. Public hearings:
  - i. Zoning. At public hearings involving amendments to the zoning ordinance, the time allotted for speakers and the order of presentation is set forth below. The time of proponents or opponents may be extended by an affirmative vote of a majority of the Councilmembers present.
    - A. If speakers are signed up in opposition, or if staff opposes the petition:
      - a. Staff makes presentation.
      - b. Each proponent and opponent will be allowed 3 minutes each; Council may choose to allow proponents to offer a

rebuttal.

B. If no speakers are signed up to speak in opposition and staff recommends approval:

- a. Staff makes presentation.
- b. The proponent will be allowed up to 3 minutes.

ii. Other hearings. At public hearings other than zoning hearings, each person addressing Council is limited to three (3) minutes. The Mayor may, at his or her discretion, extend the time for speaking.

iii. Once a matter has been the subject of a public hearing, persons will not be allowed to address the Council on the matter at a subsequent Council meeting, or at a subsequent informal session devoted to hearing from citizens. Citizens may respond to questions or inquiries for information from Councilmembers or the Mayor after the close of a public hearing.

c. Scheduling Public Comment Period:

The Public Comment Period shall be held on the first Tuesday of each month during the regularly scheduled City Council Meeting. If the regular meeting is not held on the first Tuesday, the Public Comment Period will be held at a scheduled regular meeting of the City Council.

## 6. Office of Mayor

The Mayor shall preside at all meetings of the Council. For purposes of these rules, the Mayor is also considered a Councilmember, as well as serving as the presiding officer at all meetings of the Council. In order to address the Council, a member must be recognized by the Mayor. At such Council meetings, the Mayor shall have the following powers:

- a. To rule motions in or out of order, including any motion patently offered for obstruction or dilatory purposes. The City Attorney shall serve as parliamentarian and may offer advisory opinions or advice to the Mayor;
- 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 entertain and answer questions of parliamentary law or procedure;
- d. To call a brief recess at any time; and
- e. To adjourn in an emergency;

## 7. 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 Councilmember who serves as Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Councilmember for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the Mayor Pro Tempore shall preside, and when presiding, shall have the right to vote upon all questions.

## 8. Presiding Officer When the Mayor is in Active Debate

The Mayor shall preside at meetings of the Council unless he or she becomes actively engaged in debate on a particular proposal, in which case he or she may designate, in his or her discretion, another Councilmember to preside over the debate. The Mayor shall resume the duty to preside as soon as the debate on the matter is concluded and prior to a vote on the matter.

## 9. Action by the Council

- a. During formal business meetings, the Council shall proceed by motion, but each member may be recognized once for the purpose of discussion of any agenda item prior to a motion being made pertaining to that item. The Mayor or a majority of Council may permit additional discussion as necessary for the edification of the Council and the public. Any member after being recognized may make a motion. All motions require a second as prescribed by Robert's Rules of Order.
- b. During general public hearings and public hearings for zoning petitions the Council may proceed without motions.

## 10. One Motion at a Time

A member may make only one motion at a time.

## 11. Substantive Motion

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

## 12. Adoption by Majority Vote

A motion shall be adopted if it receives if it receives at least four (4) affirmative votes of the Councilmembers, unless otherwise required by the Charter, or the laws of North Carolina.

### 13. 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:

- a. The introducer (the member who makes the motion) is entitled to speak first; and
- b. A member who has not spoken on the issue shall be recognized before someone who has already spoken.

### 14. Procedural Motions

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

- a. 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. This motion is otherwise always in order and not debatable.
- b. To take a recess. This motion is not debatable.
- c. To suspend the rules. The motion requires a two-thirds (2/3) vote to pass.
- d. To divide a complex motion and consider it by paragraph.
- e. Call of the previous question. The motion is not in order until all Councilmembers, who have indicated a desire to be recognized, have had an opportunity to speak once. Requires a two-thirds (2/3) vote and is not debatable.
- f. To postpone to a certain time or day.
- g. To refer to a committee.
- h. To amend. An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the intent of the motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made.
- i. To strike out or insert.
- j. To reconsider. This motion must be made by a member who voted with the prevailing side, and only at the same or succeeding regular meeting during which the original vote was taken. A vote or question may be reconsidered at any time by a vote of two-thirds of the members of the City Council. The motion cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.
- k. To substitute. A motion to substitute may seek the opposite result of the original motion, but it must be pertinent to the subject matter of the original motion. It shall not be necessary for the Council to vote a second time on the same subject matter if a motion to substitute is approved.

### 15. Renewal of Motion

A motion that is defeated may be renewed at any later meeting.

### 16. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before a vote. Permission of the member seconding the motion is not required. Once a motion is withdrawn, the same motion cannot be remade by the same Councilmember in the form of a substitute motion.

### 17. Duty to Vote

Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the Mayor, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his own financial interest or official conduct. In all other cases, except as provided below, a failure to vote by a member who is physically present at a Council meeting, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

Votes taken in accordance with North Carolina General Statutes Section 160A-385, permit a member of Council to abstain from voting to amend, change, modify or repeal a zoning ordinance. If a member of Council does not vote on a matter brought in accordance with North Carolina General Statutes Section 160A-385, the vote will be recorded as an abstention.

### 18. Adoption of Motions, Resolutions and Ordinances

Four (4) affirmative votes of the Councilmembers, shall be required for the passage of any motion, resolution or ordinance. However, an ordinance, or action having the effect of an ordinance, will not be adopted if it does not receive five (5) affirmative votes of the Councilmembers on the date it is first voted on by the Council. At any subsequent meeting of Council, four (4) votes will be required to adopt the item if it did not receive five (5) votes on the date it was first voted on by Council. Motions, resolutions and ordinances granting special franchises and special privileges must be voted on and passed at not less than two regular meetings of the City Council.

Except as provided in this section, motions, resolutions and ordinances will be deemed adopted if passed upon one reading.

### 19. Closed Sessions

The Council may hold closed sessions as provided by law.

## 20. Quorum

A majority of the actual members of the Council shall constitute a quorum. A member who leaves a meeting, whether excused or unexcused, shall be counted as present for purposes of determining whether a quorum is present.

## 21. Quorum at Public Hearings

A quorum of the Council shall be required at all public hearings required by law.

## 22. Minutes

Full and accurate minutes of the Council proceedings shall be kept and shall be open to the inspection of the public. The results of each vote shall be recorded in the minutes.

## 23. Mayoral Committees

The following rules shall be applicable to all Mayoral committee meetings:

- a. A quorum shall be required consisting of a majority of the members of the committee.
- b. The chairman of the committee shall have a vote on all matters coming before the committee.
- c. Minutes of committee meetings shall be kept and open to the inspection of the public. The results of each vote shall be recorded in the minutes.
- d. Scheduling and changes to the schedule for Mayoral Committees shall be handled in accordance with any resolutions adopted by the Council.

## 24. Reference to Roberts Rules Of Order

To the extent not provided for in these Rules, and to the extent it does not conflict with North Carolina law, the Council shall refer to **Roberts Rules of Order, Revised**, to answer unresolved procedural questions.