

HIGH POINT CITY COUNCIL RULES OF PROCEDURE

1. Meetings

The city council shall hold meetings on the first and third Monday of each month, except that if a meeting day is a legal holiday, the meeting shall be held at a time and date established by the council in accordance with state law. Meetings shall be held in the Council Chambers of the Municipal Building, 211 South Hamilton Street and shall begin at 5:30 p.m. The public hearing portion of Monday's meetings shall begin at 5:30 p.m. Other regular meetings of the city council may be established, and a copy of the current meeting schedule shall be maintained by the City Clerk.

2. Agenda

The City Manager shall prepare a proposed agenda for each meeting. Any council member may have an item placed on the proposed agenda. To place an item on the agenda, council members should go through the Mayor, and should the Mayor not be available, then the Mayor Pro Tem. Requests for items to be placed on the Agenda should be in by the Tuesday prior to the meeting. Items not on the agenda shall not be considered at a meeting, except that an item may be considered upon adoption of a motion to suspend the rules, followed by adoption of a motion to consider the item.

A copy of all proposed ordinances, resolutions and other pertinent information shall be attached to the Monday agenda. An agenda packet shall be prepared that includes, for each item of business placed on the proposed agenda, background information on the item if available. Each council member shall receive a copy of the proposed agenda and the agenda packet and they shall be available for public inspection or copying when distributed to council members. Council members shall read and be familiar with materials in the agenda packet prior to the meeting.

3. Public Address to the Council

Any individual or group who wishes to address the council not as part of an announced public hearing shall make a request to be on the agenda to the City Clerk or the City Manager. The council shall determine whether it will hear the individual or the group, and if a time limit shall be established for the speaker or speakers.

4. Office of Mayor

The Mayor shall preside at all meetings of the council and may vote in all cases. In order to address the council, a member must be recognized by the Mayor.

The Mayor 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 set time limits on speakers at public hearings; or restrict the numbers of speakers or time allotted for proponents and opponents at public hearings.
- (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.

5. Debate

The Mayor shall state the motion and then open the floor for debate. The Mayor shall preside over the debate according to the following general principals:

- (a) The introducer (the member who makes the motion) is entitled to speak first;
- (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 opponents and proponents of the measure.

6. Procedural Motions

In addition to substantive proposals, the following procedural motions shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption.

(1) To Adjourn:

The motion to adjourn may be made only at the conclusion of action on a pending substantive matter; it cannot interrupt deliberation of a pending matter.

(2) To Take a Brief Recess:

A motion to take a brief recess is in order at any time, the Mayor has the power to call a brief recess.

(3) To Suspend the Rules

The motion requires a two-thirds majority vote, a quorum being present. The Council may not suspend provisions of the rules that state requirements imposed by law on the council.

(4) Call of the Previous Question

This motion is not in order until every member has had an opportunity to speak once.

(5) To Postpone to a Time and Day Certain

This motion is to postpone consideration to a specified time or day.

(6) To Refer to a Committee

Any item may be referred to a committee. Any item which is not reported back to the full council within two weeks will automatically be placed on the pending list.

(7) To Amend a Motion

An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the amended motion has the same effect as rejection of the original motion.

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 vote.

Any amendment to a proposed ordinance shall be reduced to writing before the vote on the amendment.

(8) Motion to Reconsider

No question decided by the city council may be reversed at any subsequent meeting except by a two-thirds (2/3) vote of the members of the city council. A motion to reconsider a vote shall not be in order except at the same or any adjourned meeting to that at which the vote is taken, or upon notice by one voting with the majority that a motion will be made to reconsider at the next regular meeting.

(9) Withdrawal of Motion

A motion may be withdrawn at any time before a vote, by the introducer of the motion provided the majority of members do not object.

7. Duty to Vote

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 council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

8. Remote Participation/Voting

Members may participate remotely. Members may not vote remotely if they are not able to be physically present at a meeting.

9. Adoption of Ordinances and Approval of Contracts

An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue shall be required to adopt an ordinance, commit the expenditure of public funds, to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all the actual membership of the council, excluding vacant seats.

10. Closed Sessions

The council may hold closed sessions as provided by law. The council shall terminate the closed session by a majority vote. The Council shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The permitted purposes for closed sessions are included as Exhibit 1.

11. Quorum

Any five (5) council members, or any four (4) council members and the mayor shall constitute a quorum for the transaction of business in any matter before the council. A majority vote of the quorum shall control, except as otherwise provided by law.

12. Quorum at Public Hearings

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

13. Minutes

Full and accurate minutes of the council proceedings shall be kept and shall be open to the inspection of the public, except as otherwise provided by law. The results of each vote shall be recorded in the minutes, and upon request of any member of council or the clerk, a roll call vote shall be taken. Full and accurate minutes shall be kept of all actions taken during closed sessions.

14. Committees, Commissions and Boards

The Council or the mayor, as appropriate, may establish and appoint members for such temporary and standing committees, commissions and boards as are needed to help carry on the work of city government.

15. Reference to Robert's Rules of Order

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 council

shall refer to *Robert's Rules of Order, Revised* to answer unresolved procedural questions.

EXHIBIT 1

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. The 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.
- (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.
- (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.)