

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: 19 October 2011
SUBJECT: Board Rules of Procedure
PRESENTER: Charles Russell Burrell

SUMMARY OF REQUEST:

A Board member has asked that the topic of the Board's rules regarding votes on issues which are not ordinances be considered. The Board's current rules of procedure include the following:

Rule 19. Adoption by Majority Vote. A motion shall be adopted if approved by a majority of the votes cast, unless otherwise required by these rules or North Carolina laws.

N.C. Gen. Stat. §153A-45 states as follows:

To be adopted at the meeting at which it is first introduced, an ordinance or any action having the effect of an ordinance (except the budget ordinance, any bond order, or any other ordinance on which a public hearing must be held before the ordinance may be adopted) must receive the approval of all the members of the board of commissioners. If the ordinance is approved by a majority of those voting but not by all the members of the board, or if the ordinance is not voted on at that meeting, it shall be considered at the next regular meeting of the board. If it then or at any time thereafter within 100 days of its introduction receives a majority of the votes cast, a quorum being present, the ordinance is adopted.

N.C. Gen. Stat. §153A-41 states that the board "may adopt its own rules of procedure, in keeping with the size and nature of the board and in the spirit of generally accepted principles of parliamentary procedure."

On budget ordinances, and on ordinances where a public hearing is required by statute, the statutes mandates that non-unanimous majorities are sufficient for final adoption on first reading, and no other rule may be adopted by the Board. For all other *ordinances*, adoption may not be on first reading unless the vote is unanimous.

The situations covered by this Request for Board Action are for matters which are *not* ordinances. For those, the Board may if it desires adopt a rule requiring a super-majority or unanimity for adoption on first reading. A purpose of such rules is often to

allow fuller consideration of matters that are, pursuant to another rule of procedure, added to the Board's agenda at the meeting at which it is considered.

Possible Options

1. Unanimity required in all votes for adoption on first reading. This would apply regardless of whether the matter was on the original printed agenda or added at the meeting at which it is considered. Proposed text:

Rule 19. Adoption of Motions: With the exception of budget ordinances, bond orders, and other ordinance where a public hearing is required by statutes prior to adoption, no motion may be finally adopted by the Board at the meeting at which a vote on the motion is first held unless all members of the Board vote in favor of the motion. Such a motion, if approved by a majority but less than all members of the board, may be adopted by a simple majority of the Board at subsequent meetings.

2. Super-majority required in all votes for adoption on first reading. This would apply regardless of whether the matter was on the original printed agenda or added at the meeting at which it is considered. Proposed text:

Rule 19. Adoption of Motions: With the exception of budget ordinances, bond orders, and other ordinance where a public hearing is required by statutes prior to adoption, no motion may be finally adopted by the Board at the meeting at which a vote on the motion is first held unless at least four members of the Board vote in favor of the motion. Such a motion, if approved by a majority but less than four members of the board, may be adopted by a simple majority of the Board at subsequent meetings.

3. Unanimity required in votes for adoption of matters added to the agenda at the meeting at which a vote on the motion is first held. Proposed text:

Rule 19. Adoption of Motions: With the exception of budget ordinances, bond orders, and other ordinance where a public hearing is required by statutes prior to adoption, no motion on an issue added to the agenda at the meeting at which a vote on the motion is first held may be finally adopted by the Board at such meeting unless all members of the Board vote in favor of the motion. Such a motion, if approved by a majority but less than all members of the board, may be adopted by a simple majority of the Board at subsequent meetings.

4. Super-majority required in votes for adoption of matters added to the agenda at the meeting at which a vote on the motion is first held. Proposed text:

Rule 19. Adoption of Motions: With the exception of budget ordinances, bond orders, and other ordinance where a public hearing is

required by statutes prior to adoption, no motion on an issue added to the agenda at the meeting at which a vote on the motion is first held may be finally adopted by the Board at such meeting unless at least four members of the Board vote in favor of the motion. Such a motion, if approved by a majority but less than four members of the board, may be adopted by a simple majority of the Board at subsequent meetings.

County staff will be available to present further information on this matter.

BOARD ACTION:

If the Board is so inclined, the following motion is suggested:

I move that the Board strike its current Rule of Procedure 19, and adopt in its place option ____ of those presented in the information accompanying this agenda item.