

**SAMPLE PLANNING BOARD
RULES OF PROCEDURES**

Adapted from the Publication:

**"SUGGESTED RULES OF PROCEDURE
FOR
SMALL GOVERNING BOARDS"**

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INTRODUCTION

These rules of procedure were designed for use by a small governing board. They incorporate general principles of parliamentary procedure and the applicable laws of North Carolina. Essentially, the rules are a modified version of Robert's Rules of Order, Revised (hereinafter referred to as RRO). RRO are intended to guide the deliberations of a large legislative body; consequently, they are not always appropriate for a small governing board. A small board can afford to do some things that are not practical for a large body, and in some cases, the procedure prescribed by RRO is unnecessarily cumbersome. RRO were modified with these principles in mind:

1. The board must act as a body.
2. The board should proceed in the most efficient manner as possible.
3. The board must act by at least a majority.
4. Every member must have an equal opportunity to participate in decision-making.
5. The board's action should be the result of a decision on the merits and not a manipulation of the procedural rules.

Except for city councils and boards of county commissioners, the laws that establish or authorize small governing boards usually provide little or no guidance as to the procedures to be followed by such boards. Any procedural rules adopted by a small board must, of course, follow any requirements specifically prescribed for that board, but so long as that is done and the board adheres to the general principle just listed, it has a free hand in designing its own method of procedure. Most of these rules are merely suggested procedures, and the board should feel free to change them to suit local needs and customs. [*Such rules are typefaced in this font type.*] For example, one rule eliminates the requirement of a second to a motion if the board has fewer than seven members. The board may or may not adopt that rule. Whatever the rules adopted, the board should follow them consistently.

While these rules refer to the open-meetings law, this booklet contains no specific rule concerning it. This is a deliberate omission because the General Assembly very likely will consider legislation in the next few months that will expand the coverage of the law and impose a specific notice requirement.

**TOWN OF _____ PLANNING BOARD
RULES OF PROCEDURES**

1. REGULAR MEETINGS

The Planning Board shall hold at least one meeting a month, two meetings if needed. If a regular Planning Board meeting falls on a legal holiday, the meeting shall be held on the next business day. The meetings are held at the _____ Municipal Building from 7:30 to 10:00 p.m. The Board, by majority vote, may extend the meeting time past 10:00 p.m.

The first meeting of each month will be for the purpose of processing applications to the Town, and will be held on the first Thursday following the regular meeting of the Town Council (held the first Monday of each month). The second meeting will be for the purpose of attending to the work program of the planning process, held on the third Thursday following the regular meeting of the Town Council. Deferred items of the first meeting may be considered under unfinished business. The second meeting shall be scheduled, if determined by the chairman and planner it is needed.

2. SPECIAL MEETINGS

The Chair, or a majority of the members, may call a special meeting at any time by giving actual notice of the time and place of the meeting and the subjects to be considered in accordance with Open-Meeting Statute, Article 33C. If efforts to give each member actual notice are not successful, written notice shall be left at the member's home. Only those items contained in the notice may be transacted at the meeting.

An applicant can request a special meeting under Town Code Ordinance No. _____. The fee payment for the special meeting shall be made to the Town of _____ before the Planner sets the time and date. The time limit of a special meeting shall be the same as a regular meeting. A special meeting may be recessed and the extra time costs prorated and paid by the applicant prior to submission of Planning Board recommendations to the Town Council. The special meeting date shall allow the Planner at least seven (7) days review of the required documents and the Planning Board at least three (3) additional days for review. The special meeting shall comply with the Open Meeting Statute.

3. ORGANIZATIONAL MEETING

Once a year, the Board shall hold an organizational meeting. New members shall take the oath of office, if not already sworn, as the first order of business. As a second order of business, the Board shall elect a Secretary. The Secretary may be a member of the Board or an employee of the Town. If the Secretary is chosen from outside the Board's membership, he/she shall not be eligible to vote on any matter before the Board.

4. AGENDA

The Chair of the Board, *or the Planner*, shall prepare the agenda for the meeting. A request to have an item of business placed on the agenda must be received at least twenty (20) days before the meeting with the required fee. Any Board member may, by a timely request, have an item placed on the agenda.

The agenda *packets* shall include, for each item of business placed on it, as much background information on the subject as is available and feasible to reproduce. Each Board member shall receive a copy of the agenda *packets*. *The Council members shall receive a copy of the agenda.*

The Board may, by majority vote, add an item that is not on the agenda.

5. PUBLIC ADDRESS TO THE BOARD

Any individual or group who wishes to address the Planning Board *in addition to the public comment section of the agenda* shall make a request to the Town Planner to be on the agenda. However, the Board shall determine at the meeting whether it will hear the individual or group.

6. ORDER OF BUSINESS

Items shall be placed on the agenda according to the Order of Business. The following is a guide for agenda "Order of Business":

First Meeting of the Month - Application Reviews

- 1. Call to Order/Attendance*
- 2. Approval of Minutes*
- 3. Approval of Agenda*
- 4. Administrative Reports*

- a. Council Action
- b. Other
- 5. Site Plans/Subdivision
- 6. Unfinished Business
- 7. New Business
- 8. Agendas: Board Members; Attorney; Planner
- 9. Public Comment
- 10. Adjournment

Second Meeting of the Month - Planning Activities (If needed)

- 1. Call to Order/Attendance
- 2. Approval of Minutes
- 3. Approval of Agenda
- 4. Administrative Reports
 - a. Council Action
 - b. Other
- 5. Planning Activities
 - a. Committee Reports
 - b. Ordinance Amendments/Zoning
 - c. Other
- 6. Unfinished Business
- 7. New Business
- 8. Agendas: Board Members; Attorney; Planner
- 9. Public Comment
- 10. Adjournment

However, by general consent of the Board, items may be considered out of order.

Format for Review of Site Plans/Subdivisions/Zoning

- 1. Chairman's Request for Staff Report/Memo

The Planner presents the staff report/memo for the proposed application and addresses any outstanding issues. The staff report/memo shall be entered into the record.

Questions (if needed):

 - a. Has the applicant received the staff report/memo?
 - b. Have all the technical requirements been met for this application?
 - c. Are there any outstanding issues that have not been addressed by the applicant?
- 2. Applicant's Presentation

The applicant presents any additional information to clarify the application.

Questions (if needed):

a. Does the applicant have any solutions to the issues identified by the staff?

3. Planning Board's Discussion

Questions:

a. Do any of the Board members have further questions?

b. Is there any other discussion on this application?

Hearing no further discussion, the Chair entertains a motion on the application. The applicant may NOT participate in any discussion after a motion is on the floor.

4. Planning Board's Motion

7. PRESIDING OFFICER

The Chair shall preside at Board meetings. In order to address the Board, a member must be recognized by the Chair. The Chair shall have the following powers:

1. To rule motions in or out of order, including the right to rule out of order any motions patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
3. To entertain and answer questions or parliamentary law or procedure;
4. To call a brief recess at any time; and
5. To adjourn in an emergency.

8. PRESIDING OFFICER WHEN THE CHAIR IS IN ACTIVE DEBATE

The Chair shall preside at Board meetings unless he becomes actively engaged in debate on a particular proposal, in which case, he may designate another Board member to preside over the debate. The Chair shall resume the duty to preside as soon as action on the matter is concluded.

9. ACTION BY THE BOARD

The Board shall proceed by motion. Anyone, including the Chair, may make a motion. *The Board shall consider all requests for approval only upon presentation of completed, approved application forms, providing the scheduled fees have been paid to the Town, and shall process them in chronological order by date and time of application.*

10. SECOND NOT REQUIRED

A motion shall not require a second.

11. ONE MOTION AT A TIME

A member may make only one motion at a time.

12. SUBSTANTIVE MOTION

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

13. ADOPTION BY MAJORITY VOTE

A motion shall be adopted by a majority of the votes cast, with a quorum being present, unless otherwise required by these rules or the laws of North Carolina.

14. DEBATE

The Chair shall state the motion and open the discussion for the Board. The Chair shall preside over the debate according to the following general principles:

1. The introducer (the member who makes the motion) is entitled to speak first.
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken.
3. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

4. Members of the public, including applicants, who have participated in discussion before a motion is made shall not participate in discussion on a motion after it is made and will be ruled out of order.

15. PROCEDURAL MOTIONS

In addition to substantive proposals, 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.

Procedural Motions

- (1) **To Adjourn.** The motion may be made only when action on a pending matter concludes; it may not interrupt deliberation of a pending matter.
- (2) **To Take a Recess.** RRO does not allow debate on this motion, but because the number of members is small and procedures to limit debate are available, this rule allows debate on the motion. As in RRO, the motion is in order at any time. Under these rules, the Board also has the power to call a brief recess.
- (3) **Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity or it is waived. This motion is patterned after the call for the orders of the day in RRO. It differs in that it may be debated and must be made as soon as an item of business that deviates from the agenda is proposed or the right to insist upon following the agenda is waived for that item.
- (4) **To Suspend the Rules.** For adoption, the motion requires a vote equal to the number required for a quorum.
- (5) **To Divide a Complex Motion and Consider it by Paragraph.** This motion is the same as the motion to divide a question and consider it by paragraph in RRO except that it is debatable.
- (6) **To Defer Consideration.** A substantive motion that has been deferred expires after four regular meetings thereafter unless a motion to revive consideration is adopted.
- (7) **Call of the Previous Question.** The motion is not in order until there has been at least twenty (20) minutes of debate and every member has had an opportunity to speak once.

(8) **To Postpone to a Certain Time or Day.** This motion allows the Board to defer consideration to a specified time or day and is appropriate when more information is needed or the deliberations are likely to be lengthy.

(9) **To Refer to a Committee.** Four regular meetings after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Board, regardless of whether the committee has reported the matter back to the Board.

To Undertake Review of an Introduced Ordinance. A motion to undertake the review of an ordinance at the meeting at which the ordinance has been introduced must be adopted unanimously by the Board before the proposed ordinance is discussed, and this requirement cannot be suspended pursuant to Rule 15(4) of these rules. /

(10) **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 motion's intent. The motion may be amended and an amendment may be amended, but no further amendments may be made.

(11) **To Revive Consideration.** The motion is in order anytime after four regular meetings after a vote to defer consideration. A substantive motion consideration of which has been deferred expires after four regular meetings unless a motion to revive consideration is adopted.

(12) **To Reconsider.** The motion must be made by a member who voted with the prevailing side. It must be made at the same meeting as the vote was taken. It cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.

(13) **To Rescind or Repeal.** This motion is in order only for those measures adopted by the Board that may legally be repealed or rescinded; it is not intended to suggest that the Board may unilaterally rescind a binding contract.

(14) **To Ratify.** This motion appears in RRO on the principle that an assembly may later ratify that which it could have authorized. To the extent the Board may legally do so, the option is retained by these rules.

(15) **To Prevent Reconsideration For Six Regular Meetings.** This motion is in order immediately following the defeat of a

substantive motion and no other time. For adoption, the motion requires a vote equal to the number required for a quorum. It is valid for six regular meetings or until a new Board member is appointed, whichever occurs first.

- (16) ***To Provide for Administrative Review by the Town Planner after the Board Has Discussed All Review Items in Terms of Policy.*** *The following form of vote may be taken to provide for administrative review by the Planner after the Board has discussed all review items in terms of policy:*

"The Planning Board voted _____ to _____ on _____, 19____, to recommend approval (or disapproval) of the _____ [name of site plan or subdivision or zone text amendment] subject to submission to and approval by the Town Planner and/or Town Attorney before placing on the Town Council agenda of the following documents: (1) _____,(2)_____, (3)_____, etc."

- (17) ***To Request a Legal Opinion.*** *Only Board members and staff may ask the Town Attorney for a legal opinion. The Town Attorney shall decide the format of the opinion (written or oral). If written, it shall be directed to the Chairman and distributed to the Board. It then becomes a matter of public record, available to applicants. If oral, it becomes a matter of public record upon approval of the minutes. The Town Attorney may provide the Planning Board with a legal opinion on his own motion without Board request.*

16. RENEWAL OF MOTION

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

17. WITHDRAWAL OF MOTION/AMENDMENTS

A motion may be withdrawn by the introducer at any time before a vote. *The introducer of the motion may accept proposed amendments before a vote.*

18. 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 Chair, who shall take a vote of the remaining members present. No member shall be excused from voting except on matters involving his own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present or has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote. *If a Board member is excused from voting, he/she should neither vote nor participate in any way in the deliberations leading up to the vote.*

19. EXECUTIVE SESSIONS

The Board may hold executive sessions as provided by law. The Board shall commence an executive session by a majority vote to do so and end it in the same manner.

20. QUORUM

A majority of the actual membership of the Board, excluding vacant seats, shall constitute a quorum. *A member may be excused from attendance for personal reasons by notifying the Chair. In such event, the Chair shall call upon one of the two alternates, in rotation, to sit. An alternate may occupy a position on the dais with the Board. He/she may ask questions and participate in discussion but may not vote. Whenever a member is absent from a recessed meeting, an alternate shall be appointed as a voting member. Once an alternate has been seated, he/she continues until the meeting is adjourned. Good faith attendance is required. Absence, other than for medical reasons, for more than four consecutive meetings shall be considered evidence of nonfaithful attendance.*

21. PUBLIC HEARINGS

Public hearings required by law or deemed advisable by the Board shall be organized by a special order, adopted by a majority vote, setting forth the subject, date, place and time of the hearing, as well as, any rules regarding the length of time of each speaker, etc. At the appointed time, the Chair 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 Chair or his designee shall declare the hearing ended.

22. MINUTES

Minutes shall be kept of all Board meetings. The written minutes shall be approved at the following meeting. *Informational copies, prior to Board approval, may be distributed to Town officials.*

23. APPOINTMENTS

The Board shall use the following procedure to make appointments to various subordinate boards and offices:

The Chair shall open the floor to nominations. At this time, the names of possible appointees shall be put forward by the members and debated. When the debate ends, the Chair shall call the roll of the members, and each member shall cast his vote. The votes shall not be tallied until all members have voted.

The nominee(s) who receives the highest number of votes shall be appointed.

If more than one appointee is to be selected, each member shall have as many votes as there are slots to be filled. A member must cast all of his votes and cast them for different nominees.

24. REFERENCE TO ROBERT'S RULES OF ORDER / OPEN MEETING STATUTES

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the Board shall refer to Robert's Rules of Order, Revised, for unresolved procedural questions.

The Planning Board shall also refer to Open Meetings and Local Governments in North Carolina, David M. Lawrence, 4th Edition, 1994, Institute of Government, The University of North Carolina at Chapel Hill.

25. REFERENCE TO APPROVED FORMS AND ADOPTED MEMORANDUMS OF POLICIES AND PROCEDURES