

Rules and Procedures
Approved: Oct. 1, 2015

RULES AND PROCEDURES FOR THE MAYOR AND COMMISSIONERS OF
GREENSBORO

I. AUTHORITY

These rules are adopted pursuant to the authority provided in Article II, §207 of the Charter of the Mayor and Commissioners of Greensboro.

II. AGENDA ITEMS

A. Modifications to the agenda by members of the Mayor and Commissioners may be made in the following manner:

(i) At the request of two or more members of the Mayor and Commissioners, an item shall be placed on the agenda for consideration at a future meeting. Except as provided in this subsection, such a request shall be made during a Mayor and Commissioners meeting. If, due to time constraints, an item must be placed on the agenda outside of the meeting process, two or more members of the Mayor and Commissioners may do so as long as the item is placed on the published agenda prior to the meeting during which the item is to be considered.

(ii) At the commencement of a Mayor and Commissioners meeting, upon a motion duly made and seconded, and upon the affirmative vote of a majority of the Mayor and Commissioners, an item may be removed from the meeting agenda.

B. Any item brought up during a Mayor and Commissioners meeting for a motion during Old/New Business, may only be approved by an affirmative vote of a majority of the Mayor and Commissioners. (*Note: this means items added to the agenda; we exclude ordinances and resolutions which are under old and new business on the agenda.*)

III. MAYOR AND COMMISSIONERS MEETINGS

The Mayor and Commissioners shall provide public notice of the time, location, and date of its meetings. All meetings of the Mayor and Commissioners shall have a written, published agenda. Except for recognitions, proclamations, appointments and citizens' forum, each agenda item shall be presented and considered as follows:

A. The Mayor shall announce the agenda item number and read the description contained in the published agenda.

B. Following the announcement of the agenda item by the Mayor, the Mayor will invite the Town Manager, or an appropriate staff person, to comment or provide a report on the agenda item then before the Mayor and Commissioners.

C. Upon conclusion of any report or comments by the Town Manager, or

member of the staff, the Mayor shall ask members of the Mayor and Commissioners if they have any questions to ask the Town Manager or staff.

D. For those public hearing agenda items, the Mayor and Commissioners shall follow the procedures in the attached "Procedures for Public Hearings."

E. Once the staff has concluded its presentation, the Mayor may request a motion from a member of the Mayor and Commissioners or, in cases where the Mayor determines that discussion is advisable prior to entertaining a motion, in order to better vet or frame the proposition to be acted upon, the Mayor may so indicate and defer calling for a motion until there has been some preliminary discussion.

F. When a motion is made, the Mayor shall determine if any member wishes to second the motion. Any motion that is not seconded will die for lack of a second.

G. Once a motion is made and seconded, the Mayor will invite discussion of the motion by members of the Commissioners. If no discussion is desired, or once the discussion has ended, the Mayor shall announce that a vote will be taken on the motion.

H. The Mayor takes a vote by asking all those in favor of the motion to raise their hands and, if not all members vote in favor of the motion, then the Mayor will request those voting against the motion to raise their hands. If a member neither votes for nor against a motion, the Mayor will then ask if there are any members wishing to abstain. Except as provided in Sections II.A(ii) and II.B. a simple majority of those members present and voting determines whether the motion passes or is defeated. An abstention does not count as a vote. If due to abstentions there is a lack of a quorum to vote on a motion, the motion fails.

IV. MOTIONS SUBJECT TO DEBATE

The following motions shall be debatable:

A. Main Motions

A main motion is a motion that puts forward a proposition, decision or action for adoption by the Mayor and Commissioners.

B. Motions to Amend a Main Motion

A motion to amend a main motion, seeks to amend, alter or change, in some way, a main motion that is presently pending before the Mayor and Commissioners. When the Mayor and Commissioners are ready to vote on a motion which has been subject to an amendment, the Mayor and Commissioners shall first vote on the amendment and, if the amendment passes, then the Mayor and Commissioners will then proceed to vote on the motion as amended. In the event that the amendment does not carry, then the Mayor and Commissioners will consider and vote on the main motion.

C. Motion to Reconsider

A motion to reconsider may be only made by a member who voted in the

majority for the original motion which is sought to be reconsidered. A motion to reconsider must be made either at the meeting where the item sought to be reconsidered was first voted upon, or at the very next meeting of the Mayor and Commissioners.

D. Motion to Suspend the Rules

A motion to suspend the rules allows the Mayor and Commissioners to suspend its rules for a particular purpose such as to allow debate on a motion which is non-debatable or to permit some other type of action which is not otherwise permitted by these rules and procedures. The Mayor and Commissioners may only act to suspend its adopted rules and procedures, not the requirements contained in State law, the Town's Charter, or the Town Code.

V. MOTIONS NOT SUBJECT TO DEBATE

Although most motions before the Mayor and Commissioners are subject to discussion and debate, there is a limited category of motions that are non-debatable and include the following:

A. Motion to Adjourn

If a motion to adjourn passes, the Mayor and Commissioners meeting is immediately adjourned to the next regularly scheduled meeting.

B. Motion to Recess

If a motion to recess passes, the Mayor shall declare a recess and indicate the time that the Mayor and Commissioners will be in recess.

C. Motion to Establish Time for Adjournment

If a motion to establish a time for adjournment passes, the Mayor and Commissioners meeting is adjourned at the time specified in the motion.

D. Motion to Table

If a motion to table passes, discussion of the item is halted and the agenda item is placed on hold. If the motion contains a specific date to bring the matter back before the Mayor and Commissioners, then the matter will be brought back at the designated time. If, however, no specific time for the return of the item to the Mayor and Commissioners is designated in the motion, a motion will be required at a future meeting to take the matter off the table and bring it back before the Mayor and Commissioners at a future meeting.

E. Motion to Call the Question for Vote

If a motion to call the question for a vote passes, then discussion on the item stops and a vote is taken. ("calling the question" when done properly should be a rare occurrence. If debate has dragged on longer than you feel is really warranted, you can "call the question," at which time the chair has to immediately ask those assembled to vote to determine whether or not debate should be cut off or continue. The motion to call the question is itself not debatable. If two-thirds of those voting agree that the discussion should have died some time ago, they will support the call. Then, and only then, will the vote be taken on the question itself).

F. Motion to Limit Debate

If such a motion to limit debate passes, the amount of time to debate will be limited to the amount of time set forth in the motion.

G. Withdrawal of a Motion

At any time during debate and discussion, the maker of a motion may interrupt a speaker to withdraw his or her motion. The motion is then immediately deemed withdrawn without the need for a second.

VI. POINTS OF ORDER AND APPEAL

Members of the Mayor and Commissioners may interrupt a speaker under the following circumstances:

A. Point of Order (*Purpose: To correct a breach in the rules. There is no second; not debatable; Presiding officer rules on the point; cannot be reconsidered.*

The chair's ruling stands unless someone appeals it.)

A member of the Mayor and Commissioners can interrupt the speaker and raise a point of order. If a point of order is raised, the Mayor would ask the person making the point of order to explain his or her point of order. After considering the point of order, the Mayor rules in favor or against the point of order.

B. Appeal

If the Mayor makes a ruling with which a member of the body disagrees, the member may appeal the ruling of the Mayor. This appeal must be made immediately after the ruling is made. If the appeal is seconded, and after debate and discussion as in the case of a main motion, if the appeal passes, the ruling of the Mayor is reversed. If the appeal of the ruling of the Mayor does not pass, the ruling of the Mayor is sustained.

VII. ROBERT'S RULES OF ORDER

The current version of Robert's Rules of Order shall govern all questions of procedure not otherwise provided for in these rules, by Federal or State law, the Town Code or Town Charter.

VIII. CONFLICTS WITH FEDERAL, STATE LAW, TOWN CODE OR TOWN CHARTER

To the extent that any rules and procedures set forth herein conflict with Federal, State, or Town laws, then Federal, State or Town law shall control.

PROCEDURES FOR PUBLIC HEARINGS

OF THE MAYOR AND COMMISSIONERS OF GREENSBORO

I. SCOPE

A. Quasi-Judicial Public Hearings. These procedures shall apply to all quasijudicial public hearings that are required by State law and/or Town Code. Quasi-judicial proceedings are proceedings that typically apply to either a particular person or property, as opposed to the entire Town. In a quasijudicial proceeding, the Mayor and Commissioners are typically called upon to make findings and determinations based upon the record produced in the proceedings.

B. Other Public Hearings. These procedures also apply to public hearings involving legislative matters such as, but not limited to, amendments to the Town Charter or Code or master plan amendments. However, for public

hearings that do not involve quasi-judicial matters, the following subsections (from Section II. PUBLIC HEARING PROCEDURES) do not apply: G., and J.

II. PUBLIC HEARING PROCEDURES

A. Presiding Officer. The Mayor is the presiding officer and has broad discretion

to conduct hearings in any manner that permits the development of a complete administrative record and provides a reasonable opportunity for interested parties to be heard. If the Mayor makes a ruling with which a member of the Commissioners disagrees, the member may appeal the ruling of the Mayor. An appeal must be made immediately after the ruling is made. If the appeal is seconded, and after debate and discussion, the appeal passes by a majority vote, the ruling of the Mayor is overturned. If the appeal does not pass, the ruling of the Mayor is sustained.

B. Commencement of Public Hearing. The Mayor will commence the public hearing by reading the agenda item and asking the Town Clerk if the public hearing has been properly advertised.

C. Time Limits on Testimony. The Mayor may set time limits on receiving testimony, including limits on the time for individual speakers, and limits on the total time permitted for oral testimony. The Mayor may increase or decrease any time limits, however, in most cases, the following time limits will apply:

1. Staff Presentation 15 minutes
2. Applicant Testimony 10 minutes
3. Government Officials Testimony 5 minutes
4. Representatives of Organizations Testimony 5 minutes
5. Adjacent and confronting property owners 5 minutes
6. Individual Testimony 3 minutes
7. Applicant Rebuttal 5 minutes

D. Sequencing of Testimony. The Mayor may decide, in any given case, what the sequencing of testimony, however, in most cases, the sequencing of testimony

will be as follows:

1. Staff
2. Applicant
3. Government Officials
4. Persons and Organizations signed up to speak
5. Persons and Organizations present wishing to speak (who did not sign up to speak in advance)
6. Applicant Rebuttal

E. Duplicative Testimony. The Mayor has the discretion to limit the presentation of unduly repetitious testimony, and to otherwise conduct the hearing so that it proceeds in an orderly and fair manner.

F. Rules of Evidence. Any public hearing conducted under these Procedures need not conform strictly to the rules of evidence or procedure that govern judicial proceedings. The Mayor and Commissioners will accept evidence with the goal of developing a full administrative record. The Mayor and Commissioners may consider any relevant evidence that assists in its reaching a decision. Hearsay evidence, if relevant, may be accepted. The Mayor may exclude from evidence any irrelevant, immaterial, or unduly repetitious material. The Mayor must rule on any objections to the admission of any evidence subject to the provisions of Section II.A.

G. Requests to Cross-Examine Speakers. Any person may request to cross-examine (question) another speaker at the end of that speaker's testimony. The Mayor will allow questioning of speakers subject to the following: 1) the questions must pertain only to that speaker's testimony; 2) the questions must not be argumentative; and 3) the questions must not be preceded by any statements.

The Mayor may reject any question that is objectionable or duplicative.

H. Questions from the Mayor and Commissioners. Members of the Mayor and Commissioners may ask questions at any time during the public hearing. Any time spent responding to questions from the Mayor and Commissioners will not count against the speaker's time limit.

I. Exhibits. Any exhibit, including, but not limited to, documents, models, or other demonstrative evidence presented at the public hearing must be assigned an exhibit number and marked and identified for the record by the Town Clerk. Any exhibit introduced in the public hearing becomes a part of the administrative record. The exhibit or an accurate representation of it must be given to the Town for inclusion in the administrative record and becomes the property of the Town and may not be returned.

J. Ex Parte Communications. Ex parte communications are not permitted. An ex parte communication is a communication by either a party or an interested person to a member of the Mayor and Commissioners outside the public hearing.

These types of communications can be written or oral and can be by telephone call, personal contact, email, regular mail, or any other type of communication directed either to a single member of the Mayor and Commissioners or to some or all members of the Mayor and Commissioners. The Mayor and Commissioners must avoid telephone calls, emails and meetings with parties or interested persons for those types of proceedings which are quasi-judicial in nature. If a member of the Mayor and Commissioners receives unsolicited communications about a pending matter outside of the public hearing, the member must disclose and describe the communications to the rest of the Mayor and Commissioners at the earliest opportunity during the Mayor and Commissioners's hearing on the matter.

K. Postponement, or Continuation of Hearing. Any member of the Mayor and Commissioners may move to postpone a hearing. A motion to postpone must be approved by a majority of the members present and voting. Any member

of the Mayor and Commissioners may move to recess a hearing and continue it to another time. A motion to continue must be approved by a majority of the members present and voting. If the date, time, and place of a continued hearing is announced on the record, no further notice is required unless otherwise required by law.

L. Closing of the Record. Once all testimony has been received, the public hearing is closed and the record remains open for the length of time designated by the Mayor and Commissioners for the receipt of additional public comment. Once the record has closed, the matter is typically brought back on the agenda for Mayor and Commissioners discussion and instructions to staff.

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