



MARVIN PLANNING BOARD RULES OF PROCEDURE

Adopted January 21, 2025

Part I. Applicability

Rule 1- Applicability

These rules apply to all meetings of the Village of Marvin Planning Board. For purposes of these rules, a meeting of the board occurs whenever a majority of the board's members gather, either in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the board's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

Part II. Quorum & Membership

Rule 2 - Quorum

The presence of a quorum is necessary for the board to conduct business. A quorum consists of a majority of the board's actual membership, excluding vacant seats. A member who withdraws from a meeting of the board without being excused by majority vote of the remaining members present shall be counted as present for quorum purposes.

Rule 3 - Membership

- (a) The Planning Board shall consist of seven (7) members, all of whom shall be residents of the Village of Marvin and been duly appointed by the Village Council for designated terms. Members will be appointed to three (3) year staggered terms.
- (b) If a vacancy on the Planning Board occurs, the Village Council shall fill the seat for the duration of the unexpired term.
- (c) Members of the Board must be at least 18 years of age to serve.
- (d) Members of the Board receive a stipend consistent with the annual budget to be paid in accordance with board stipend policies. Stipends are paid for each regular Planning Board meeting attended, not to exceed one meeting per month and three meetings per quarter. Stipends are not paid for special meetings, unless a special meeting is called to replace a regular meeting.
- (e) Board members shall also be entitled to reimbursement for subsistence and travel while attending planning board training workshops or official functions. Reimbursements for subsistence and travel must be preapproved by the Village Manager in accordance with current Village policies.
- (f) Members of the Planning Board serve at the pleasure of the Village Council. The Council may remove any member of the Board at any time with or without cause. The Council may remove a Planning Board member by majority vote of the Council.
- (g) The Planning Board is subject to Volunteer Board Members' Attendance Policy #P-2013-12-01 adopted by Council on December 10, 2013:

Policy #P-2013-12-01

In order for Volunteer Boards to carry out their duties and responsibilities, it is necessary for members to attend the meetings. Members are expected to attend all regular and special meetings of their respective boards. Council understands that on occasion Board Members will have schedule conflicts prohibiting attendance at a meeting; however, those absences should be an occasional event and not reoccurring.

In order to facilitate attendance reports for Council, a staff member will attend all regular and special meetings of all volunteer boards and will record attendance at each meeting. Each quarter, staff will notify the Finance Officer of the attendance record for stipend preparation and will notify the Council in a report presented at a Regular Council meeting.

If a Volunteer Board Member misses two consecutive meetings or four meetings in a six-month period, the Mayor or a Council representative will meet with the Board Chair to determine possible action. Action may involve removal from the Board, to be decided at the next regular Council meeting.

Part III Open Meetings

Rule 4 - Open Meetings

- (a) **General Provisions.** No member who is not physically present for a board meeting may participate in the meeting by electronic means except in accordance with a policy adopted by the council. See policy, P-2023-02-01 “Remote Participation Policy for Meetings of Appointed Boards and Committees” and Appendix A “Rules of Procedure for Electronic Meetings of the Marvin Village Council.”

Rule 5 - Meetings to Be Open to the Public

Except as permitted by Rule 4, all meetings of the board shall be open to the public, and any person may attend its meetings.

Rule 6 - Closed Sessions

- (a) *Bases for Closed Session.* The board may enter a closed session from which the public is excluded on any of the grounds listed in G.S. 143-318.11(a).
- (b) *Motion to Enter Closed Session.* The board may hold a closed session only upon a motion duly made and adopted in open session. The motion to enter closed session shall cite one or more of the permissible bases listed in G.S. 143-318.11(a) for closed sessions. For a closed session held under G.S. 143-318.11(a)(1) (prevent disclosure of privileged or confidential information or information not considered public record), the motion shall name or cite the law that renders the information confidential or privileged. For a closed session called pursuant to G.S. 143-318.11(a)(3) (attorney consultation and preservation of attorney-client privilege), the motion shall name the parties to any pending lawsuit that the board’s attorney plans to discuss in the closed session.
- (c) *Closed-Session Participants.* Aside from the board members themselves, only those individuals invited by the board may participate in a closed session. The board will invite only those individuals whose presence is reasonably necessary to aid the board in its closed-session deliberations.
- (d) *Motion to Return to Open Session.* Upon completing its closed-session business, the board shall return to open session.

Rule 7 - Meeting Minutes

- (a) *Minutes Required for All Meetings.* The board shall keep full and accurate minutes of its meetings, including any closed sessions. To be “full and accurate,” the minutes must record all actions taken by the board, as well as the board’s compliance with any applicable procedural requirements. The minutes should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record board member discussions, though the board in its discretion may decide to incorporate such details into the minutes.
- (b) *Record of “Ayes” and “Noes.”* At the request of any member, the minutes shall indicate how each member voted by name on a particular matter.
- (c) *General Accounts of Closed Sessions.* In addition to minutes, the board shall keep a general account of each closed session. The general account shall be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The board may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.
- (d) *Alternative Meeting Site.* If the news media request an alternative meeting site to accommodate news coverage, and the board grants the request, the news media making the request shall pay the costs incurred by the local government unit in securing an alternative meeting site.

Part IV Organization of the Board

Rule 8 - Organizational Meeting, Selection of Chair and Vice-Chair

On the date and at the time of the first regular meeting in March, all newly appointed and reappointed members of the board shall take and subscribe the oath of office as the first order of new business, unless members took and subscribed the oath of office prior to the meeting. As the second order of new business, the board shall elect a chair and vice-chair.

Part V Types of Meetings

Rule 9 - Regular Meetings

- (a) *Regular Meeting Schedule.* The board shall annually adopt a regular meeting schedule showing the time(s) and place(s) of its regular meetings for the year.
- (b) *Notice of Regular Meeting Schedule.* The board shall ensure that a copy of its current regular meeting schedule, complete with the time and place of each regular meeting, is filed with the Clerk and posted on the Village's website.
- (c) *Change to Regular Meeting Schedule.* The board may revise its regular meeting schedule to change the time or place of a particular regular meeting or all regular meetings within a specified period. The board shall ensure that the revised regular meeting schedule is filed with the Clerk at least seven calendar days before the first meeting held pursuant to the revised schedule. The board shall also have the revised schedule posted on the Village's website.

Rule 10 - Special Meetings

- (a) *Calling Special Meetings.* The chair, vice-chair, or two members may call a special meeting of the board. Alternatively, a special meeting may be called by vote of the board in open session during a regular meeting or another duly called special meeting.
- (b) *Notice to the Public.* At least forty-eight hours before a special meeting, the board shall cause written notice of the meeting's date, time, place, and purpose(s) to be
 - (1) posted on the Village's principal bulletin board or, if the Village has no such bulletin board, at the door of the board's usual meeting room and
 - (2) delivered, emailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Clerk. If the board has a website maintained by one or more of its employees, the board shall also have the notice posted there prior to the special meeting.
- (c) *Notice to Members.* If the chair, vice-chair, or two members called the special meeting, notice of the meeting's date, time, place, and purpose(s) shall be mailed, emailed, or delivered to the other members at least forty-eight hours before the meeting. If the special meeting was called at another duly held meeting of the board, and one or more members were absent, the chair shall ensure that notice of the meeting's date, time, place, and purpose(s) is mailed, emailed, or delivered to any absent member(s) a minimum of forty-eight hours in advance of the special meeting.

Rule 11 - Emergency Meetings

- (a) *Calling Emergency Meetings.* The chair, vice-chair, or two members may call an emergency meeting of the board, but only when necessary to address generally unexpected circumstances that demand the board's immediate attention.
- (b) *Notice of Emergency Meetings.* Reasonable steps shall be taken by the chair or the members who called the meeting to notify other board members of an emergency meeting. Additionally, notice of the meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed with the Clerk a written request to be notified of emergency meetings. To be valid, the request must include the newspaper's, wire service's, or station's telephone number. Notice may be given by telephone, email, or the same method used to notify board members. Notice shall be provided immediately after members have been notified and at the expense of the media organization notified.
- (c) *Transaction of Other Business Prohibited.* Only business connected with the emergency may be considered at an emergency meeting.

Rule 12 - Recessed Meetings

- (a) *Calling Recessed Meetings.* When conducting a properly called regular, special, or emergency meeting, the board may recess the meeting to another date, time, or place by a procedural motion made and adopted in open session, as provided in Rule 25 (Motion 3). The motion shall state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will resume.

- (b) *Notice of Recessed Meetings.* If the board's website is maintained by one or more board employees, notice of the recessed meeting's date, time, and place shall appear on the website prior to the meeting. No further notice of a properly called recessed meeting is required.

Part VI Agenda

Rule 13 - Agenda

- (a) **Draft Agenda**
- (1) *Preparation.* The board's clerk or secretary shall prepare a draft agenda for each meeting of the board.
 - (2) *Requesting placement of items on draft agenda.* Members may, by timely request, have items placed on the draft agenda for any regular meeting. Members shall submit their requests to the Clerk at least two working days before the meeting date.
 - (3) *Supplemental information/materials.* A copy of all draft orders, policies, regulations, or resolutions shall be attached to the draft agenda. The board's clerk or secretary shall prepare an agenda packet that includes, for each item of business listed on the draft agenda, as much background information on the topic as is available and feasible to reproduce.
 - (4) *Delivery to board members.* Members shall receive an electronic copy of the draft agenda and agenda package. Except in the case of an emergency meeting, the agenda and agenda package shall be furnished to each member at least twenty-four hours before the meeting.
 - (5) *Public inspection.* The draft agenda and agenda packet, except for materials not subject to inspection or copying under the public records law, shall be available to the public when they are ready to be circulated to members.
- (b) **Adoption of the Agenda**
- (1) *Adoption.* As its first order of business at each meeting, the board shall review the draft agenda, make whatever revisions it deems appropriate, and adopt the agenda for the meeting.
 - (2) *Amending the agenda.* Both before and after it adopts the agenda, the board may add or subtract agenda items by majority vote of the members present and voting, except when the board's consideration of new agenda items would violate state law or these rules.
 - (3) *Designation of items "Discussion and Consideration/Recommendation."* The board may designate an agenda item "Discussion and Consideration/Recommendation" or to "Discuss and Consider/Recommend." The designation signifies that the board intends to discuss the item and may, if it so chooses, take action on the item following the discussion.
- (c) *Consent Agenda.* The board may designate part of an agenda for a regular meeting as the consent agenda. The person(s) charged with preparing the draft agenda may place routine or non-controversial items on the consent agenda. Prior to approving the meeting agenda, the board must honor any member's request to move an item from the consent agenda to new or unfinished business. The board may approve all items on the consent agenda through the adoption of a single motion to that effect, but the minutes shall list each item so approved.
- (d) *Informal Discussion of Agenda Items.* The board may informally discuss an agenda item even when no motion regarding that item is pending.

Rule 14 - Acting by Reference to Agenda or Other Document

The board shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document unless copies of the agenda or document are available for public inspection at the meeting and so worded that persons in attendance can understand what is being deliberated or acted upon.

Rule 15 - Agenda Items from Members of the Public

If a member of the public wishes to request that the board include an item on its regular meeting agenda, the individual shall submit the request in writing to the board's clerk or secretary at least two working days before the meeting date. The board is not obligated to place an item on the agenda merely because such a request has been received.

Rule 16 - Order of Business

Items shall be placed on a regular meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

- Call to Order
- Allow Remote Participation (if necessary)
- Adoption of the Agenda
- Approval of the Previous Meeting Minutes
- Public Comment Period
- Presentations
- Consent Agenda (if necessary)
- Public Hearing
- Unfinished Business
- New Business
- Reports & Updates
- Review of Action Items
- Board Member Comments*
- Closed Session (if necessary)
- Adjournment

*Board members may speak freely during Board Member Comments; however no new business or staff directives should be introduced during this period.

Without objection, the chair may call agenda items in any order most convenient for the dispatch of business.

Part VII Role of the Presiding Officer

Rule 17 - The Chair

- (a) *Presiding Officer.* When present, the chair shall preside at meetings of the board.
- (b) *Voting by the Chair.* The chair has the same duty to vote as other members, though in no event may the chair break a tie on a motion on which he or she has already voted.
- (c) *Recognition of Members.* A member must be recognized by the chair (or other presiding officer) to address the board, but recognition is not necessary for an appeal pursuant to Rule 25 (Motion 1).
- (d) *Powers as Presiding Officer.* As presiding officer, the chair is to enforce these rules and maintain order and decorum during board meetings. To that end, the chair may
 - (1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
 - (2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
 - (3) entertain and answer questions of parliamentary procedure;
 - (4) call a brief recess at any time; and
 - (5) adjourn in an emergency.
- (e) *Appeals of Procedural Rulings.* A member may appeal a decision made or an answer given by the chair under subparagraph (d)(1), (2), or (3) of this rule in accordance with Rule 25 (Motion 1).

Rule 18 - Presiding Officer in the Chair's Absence

If the chair is absent, the vice-chair shall preside. If both the chair and vice-chair are absent, the board shall designate one of the members present to serve as temporary presiding officer. Any member who presides in place of the chair has the powers listed in Rule 17(d). Service as presiding officer does not relieve a member of the duty to vote on all questions except as excused from voting under Rule 29.

Rule 19 - When the Presiding Officer is Active in Debate

If the chair or other presiding officer becomes active in the debate on a matter, he or she may designate another member to preside over the debate.

Part VIII Motions and Voting

Rule 20 - Action by the Board

Except as otherwise provided in Rules 28, 30, and 33, the board shall act by motion. Any member, including the chair, may make a motion.

Rule 21 - Second Not Required

No second is required on any motion.

Rule 22 - One Motion at a Time

A member may make only one motion at a time.

Rule 23 - Withdrawal of Motion

The member who introduces a motion may withdraw the motion unless the motion has been amended or put to a vote.

Rule 24 - Substantive (or Main) Motions

A substantive motion is not in order when any other motion is pending. Once the board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting unless it first adopts a motion to reconsider pursuant to Rule 25 (Motion 13).

Rule 25 - Procedural Motions

- (a) *Certain Motions Allowed.* The board may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.
- (b) *Priority of Motions.* The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that
- any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 11 and
 - a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 8.

Motion 1. To Appeal a Ruling of the Presiding Officer. Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

Motion 2. To Adjourn.

This motion may be used to close a meeting. It is not in order if the board is in closed session.

Motion 3. To Recess to a Time and Place Certain.

This motion may be used to call a recessed meeting as permitted under Rule 12. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the board is in closed session.

Motion 4. To Take a Brief Recess.

Motion 5. To Follow the Agenda.

This motion must be made at the time an item of business that deviates from the agenda is considered; otherwise, the motion is out of order as to that item.

Motion 6. To Suspend the Rules.

To be adopted, a motion to suspend the rules must receive affirmative votes equal to two-thirds of the board's actual membership, excluding any vacant seats. The board may not suspend provisions in these rules that restate state law requirements.

Motion 7. To Defer Consideration.

The board may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the board votes to revive it pursuant to Motion 12 within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 8. To End Debate (Call the Previous Question).

If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion. This motion requires affirmative votes equal to at least a majority of the board's actual membership, excluding vacant seats.

Motion 9. To Postpone to a Certain Time.

This motion may be employed to delay the board's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

Motion 10. To Refer a Motion to a Committee.

The board may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the committee fails to report on the motion within 60 days of the referral date, the board shall take up the motion if asked to do so by the member who introduced it.

Motion 11 To Amend.

- (a) *Germaneness.* A motion to amend must concern the same subject matter as the motion it seeks to alter.
- (b) *Limit on Number of Motions to Amend.* When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

Motion 12. To Revive Consideration. The board may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 7, provided it does so within 100 days of its vote to defer consideration.

Motion 13. To Reconsider. The board may vote to reconsider its action on a matter, provided the motion to reconsider is made (1) at the same meeting during which the action to be reconsidered took place and (2) by a member who voted with the prevailing side. For purposes of this motion, "the same meeting" includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the board's deliberation on a pending matter.

Motion 14. To Rescind. The board may vote to rescind an action taken at a prior meeting, provided rescission is not forbidden by law.

Motion 15. To Prevent Reintroduction for Six Months. This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately

following the substantive motion's defeat. To be adopted, this motion must receive affirmative votes equal to at least two-thirds of the board's total membership, excluding vacant seats. If this motion is adopted, the ban on reintroduction remains in effect for six months or until the board's next organizational meeting, whichever occurs first.

Rule 26 - Debate

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has already spoken.
- To the extent practicable, debate shall alternate between proponents and opponents of the measure.

Rule 27 - Adoption by Majority Vote

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

Rule 28 - Changing a Vote

A member may change the member's vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change a vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

Rule 29 - Duty to Vote

Every member shall vote unless excused by the remaining members of the board. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members on whether to grant the request. The board may not excuse a member except in cases involving (1) a conflict of interest as defined by law or the board or (2) the member's official conduct or own financial interest.

The unexcused failure to vote by a member who is physically present in the meeting room, or who has withdrawn without being excused by majority vote of the remaining members present, shall be recorded as an affirmative vote.

Rule 30 - Voting by Written Ballot

- (a) Secret Ballots Prohibited. The board shall not vote by secret ballot.
- (b) Rules for Written Ballots. The board may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member shall sign his or her ballot, and the minutes shall record how each member voted by name. The ballots shall be made available for public inspection in the office of the clerk or secretary to the board immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Part IX. Public Hearings

Rule 31 - Public Hearings

- (a) *Calling Public Hearings.* The board may hold public hearings to solicit the public's input on specific issues. The board may schedule its public hearings or delegate that responsibility to staff members, as appropriate.
- (b) *Public Hearing Locations.* The board may hold public hearings anywhere within the area served by the board.
- (c) *Notice of Public Hearings.* Any public hearing attended by a majority of members shall be considered part of a regular or special meeting of the board. Consequently, the relevant notice and related

requirements of the open meetings law, as set out in Rules 9 through 12, apply to such hearings. If a hearing's subject matter triggers additional notice requirements under state law or local rules, the board shall see that they are also satisfied.

- (d) *Rules for Public Hearings.* The board hereby adopts the following rules for public hearings:
- A maximum of thirty minutes shall be allocated to hear from the public during each public hearing.
 - Speakers shall sign up on the sign-up sheet at the entrance to the Council Chambers or meeting room before the meeting is called to order. No individual will be permitted to address the board if they do not sign up to speak prior to the start of the meeting.
 - Each speaker will be limited to three minutes.
 - Speakers shall approach the podium and state their name and address when addressing the board.
 - Speakers must be civil in language and presentation and act within reasonable standards of courtesy.
 - Use of slander, name-calling, personal attacks or threatening speech or behavior is prohibited.
 - The board may designate or ask for spokespersons for groups supporting or opposing the same positions.
 - The presiding officer shall open the public hearing by reading the rules set forth by the board establishing the time limits and rules in which a person or group spokesperson can speak.
 - The audience must maintain order and decorum in their conduct, and must refrain from disruptive applause, comments or disorderly speaking during the meeting.
 - A person who interrupts, disturbs, or disrupts an official meeting is guilty of a misdemeanor. A person who interrupts a meeting and is asked to leave the meeting by the presiding officer and refuses is also guilty of a misdemeanor. (§143-318.17. Disruptions of official meetings.)
- (e) *Continuing Public Hearings.* The board may continue any public hearing without further advertisement, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (g) of this rule, if a quorum of the board is not present for a properly scheduled public hearing, the hearing shall be continued until the board's next regular meeting without further advertisement.
- (f) *Conduct of Public Hearings.* At the time appointed for the hearing, the chair shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the board for the hearing. Unless the board votes to extend the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not already done so, the chair shall declare the hearing closed, and the board shall resume the regular order of business.
- (g) *Public Hearings by Less Than a Majority of Board Members.* Unless inconsistent with state law or local rules, the board may appoint a member or members to hold a public hearing on its behalf. The notice provisions in paragraph (c) of this rule apply when the board appoints more than one member to conduct such a hearing.
- (h) *Public Comment.* The board may hold a public comment period at any regular meeting or special meeting called, at least in part, for that purpose. During the public comment period, members of the public may speak on any matters within the board's real or apparent jurisdiction. The provisions in paragraphs (d) and (f) of this rule apply to the board's public comment periods.

Part X. Committees and Appointments

Rule 32 - Committees

- (a) *Authority to Establish.* The board may establish standing or temporary committees to help the board carry out its work. Rule 33(b) governs appointments to all such committees.

- (b) *Open Meetings Law*. The requirements of the open meetings law apply whenever a majority of a committee's members gather in person or simultaneously by electronic means to discuss or otherwise conduct committee business.

Rule 33 - Appointments to Public Bodies

- (a) *Appointments in Open Session*. To the extent that it appoints its own members or the members of other public bodies, the board shall consider and make appointments in open session.
- (b) *Committee Appointments*. The board shall make appointments to any committees established under Rule 32. When a committee is to include non-board members selected by the board, the board will appoint such persons in open session using the procedures described below.
- (c) *Appointment by Unanimous Consent*. When there is only one nominee, the chair may ask the board to approve the nominee's appointment by unanimous consent. If any member objects, the board shall vote on the nomination in accordance with paragraph (d) or (e) of this rule, whichever applies.
- (d) *Nomination and Voting Procedure*. The board shall use the following procedure in making appointments. The chair shall open the floor for nominations, whereupon board members may put forward and debate nominees. When debate ends, the chair shall call the roll of the members, and each member shall cast a vote for the member's preferred nominee. Voting shall continue until a nominee receives a majority of votes cast during a single balloting.
- (e) *Multiple Appointments*. If the board is making more than one appointment to a body, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No member may cast more than one vote for the same candidate for the same position during a single balloting.
- (f) *Vote by Written Ballot*. The board may vote on proposed appointments by written ballot in accordance with Rule 30.

Part XI. Miscellaneous

Rule 34 - Amendment of the Rules

The board may vote to amend these rules at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meetings stated purposes. Any amendment to these rules must not violate any relevant statutes or generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the board's members.

Rule 35 - Reference to *Robert's Rules of Order Newly Revised*

The board shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the presiding officer shall make a ruling on the issue subject to appeal to the board under Rule 25 (Motion 1).

Adoption and Amendment History

January 21, 2025 (Repeal and Replacement of Former Rules of Procedure)

APPENDIX A
RULES OF PROCEDURE
FOR ELECTRONIC MEETINGS OF THE MARVIN VILLAGE COUNCIL

The Village Council of the Village of Marvin, North Carolina, recognizes that Article 33C of Chapter 143 of the North Carolina General Statutes contemplates that official meetings of public bodies, such as the Marvin Village Council, may take place by electronic means. In fact, §143-318.10(d) of the North Carolina General Statutes states that an official meeting can, “mean[s] a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body.” The Rules of Procedure for Electronic Meetings are a guide for how Council will conduct meetings featuring electronic participation.

1. Meetings to Which These Rules Apply

These Rules of Procedure for Electronic Meetings (“Electronic Rules”) shall apply to meetings of the Marvin Village Council and to any other public bodies existing under the authority of the Village of Marvin (as such bodies follow Village Council’s rules). The Electronic Rules are supplemental to the Rules of Procedure approved by the Village Council for its meetings. Electronic Meetings can take place for any regular, special, or emergency meeting of the Marvin Village Council, subject to the conditions governing the use of Electronic Meetings.

2. Conditions Necessary for Electronic Meetings

The Village Council agrees that electronic meetings will only be permitted when any of the following entities declare that a state of emergency or a disaster exists in an area including the Village of Marvin: the federal government of the United States of America; the Government of the State of North Carolina through the Governor of the State of North Carolina or other method permitted by Chapter 166A of the North Carolina General Statutes; Union County, North Carolina; or the Village of Marvin, through the Mayor or other methods permitted by Chapter 33 of the Marvin Village Code. The state of emergency declaration or disaster declaration must be related to a distinct event that reasonable persons can agree directly affects the Village of Marvin (for example, a determination that an emergency exists under the National Emergencies Act related to piracy conducted by Somali pirates would not reasonably be related to the Village of Marvin and cannot support use of electronic meetings). If no state of emergency or disaster exists, then the Electronic Rules may not be used.

3. Definition of an Electronic Meeting

An Electronic Meeting is any meeting where one or more members of the Village Council participates through telephonic communication, or a telecommunications application which allows simultaneous communication by multiple parties, or other similar means that allows the members of the Village Council to hold a meeting without all members being physically present in the same room.

4. Notice of Electronic Meeting

If an Electronic Meeting is necessary, a public notice of the electronic meeting shall be sent as part of any notice required by North Carolina General Statutes §143-318.12. The public notice, in addition to the information required by North Carolina General Statutes §143-318.12, shall provide:

- a. The location of the physical meeting (which is where any Councilmembers and Staff able to attend the meeting in person shall gather); and
- b. The location of where a member of the public, member of the media, or others, may listen to the Electronic Meeting in accordance with § 143-318.13 of the North Carolina General Statutes.

The notice shall be provided in the manner required by Article 33C of Chapter 143 of the North Carolina General Statutes. If the Electronic Meeting is being used for any part of a regular meeting that is on the meeting schedule adopted by the Village Council, then the information required above shall be provided in a separate notice to be provided in accordance with Article 33C of Chapter 143 of the North Carolina General Statutes. Any notice provided may also be posted on the Village of Marvin's bulletin board, website and social media accounts, if possible.

5. Quorum

Councilmembers present in person or electronically, shall be included in the calculation for determining if a quorum exists of the Village Council. If a Councilmember who participates electronically withdraws from the meeting, the rest of the meeting may be completed provided there is still a quorum of the Village Council present either in person or electronically. Any Councilmember withdrawing from the meeting shall no longer be included for purposes of the quorum calculation.

6. Process of Opening Meeting

Immediately prior to opening the meeting, the Mayor, Mayor Pro Tempore, or other presiding officer shall communicate with the Councilmember(s) who is (are) participating electronically and ensure that he/she is prepared to go forward. From that time forward until the adjournment of the meeting, the communication line or application shall be kept open. At the start of the meeting, the Mayor, Mayor Pro Tempore, or presiding official shall state which Councilmembers are participating electronically.

7. Voting and Discussion

Councilmembers present for the meeting through electronic means are eligible to vote for all items considered by the Village Council during the meeting. However, Councilmembers present for the meeting through electronic means will not be permitted to vote on any quasi-judicial matters coming before the Council. Also, a member voting must indicate verbally with a "yes," "no," "yea," "nay," "or "abstain" (when that is permitted) such that the Village Clerk or her designee may record the vote. Prior to taking a vote on any issue, the Mayor, Mayor Pro Tempore, or other presiding officer shall inquire of the Councilmembers participating electronically if he or she has been able to adequately monitor the discussion, including comments from the public, if any, and shall allow those Councilmembers to make any comments he or she desires, if they chose to not avail himself or herself of the opportunity to discuss the matter before the vote. However, it is the responsibility of the member to gain the attention of the Mayor or the presiding officer in order to be recognized for discussion. A Councilmember attending through electronic means that withdraws from the meeting without being excused from further attendance shall not be considered an affirmative vote on items before Council. If a Councilmember attending through electronic means becomes disconnected from the meeting, the Councilmember will not be counted as an affirmative or negative vote.

8. Minutes

The minutes of the meeting shall designate the name of each Councilmember who participated electronically, the nature of the electronic communication, and the duration of the Councilmember's participation.

Adopted this the 7th day of April 2020 by Village of Marvin Council for All Advisory Boards.