

Rules of Procedure (As of December 11, 2023)
City of Elizabeth City City Council

Rule 1. Regular Meetings

The council shall hold a regular meeting on the second and fourth Monday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held in Council Chambers, located on the second floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City NC and shall begin at 7 p.m. A copy of the council's current meeting schedule shall be filed with the city clerk and posted on the City of Elizabeth City website. The council shall also hold a Work Session meeting on the fourth Monday of each month at 5:30 p.m. at the same location as the regular meeting.

Rule 2. Special, Emergency, Recessed (or Adjourned), and Remote/Electronic Meetings

- a. **Special Meetings.** The mayor, the mayor pro tempore, or any two members of the council may at any time call a special council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the mayor and each council member or left at his or her usual dwelling place; (2) posted on the council's principal bulletin board, and on the front door of the Municipal Administration Building; and (3) mailed or delivered to each newspaper, wire service, radio station, television station and person who has filed a written request for notice with the city clerk; and (4) posted on the City of Elizabeth City website before the scheduled time of the meeting. Only those items of business specified in the notice may be transacted at a special meeting called in this manner.

A special meeting may also be called or scheduled by vote of the council in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place and purpose. At least forty-eight hours before a special meeting, called in this manner, notice of the time, place and purpose of the meeting shall be (1) posted on the council's principal bulletin board, and on the front door of the Municipal Administration Building; and (2) mailed or delivered to each newspaper, wire service, radio station, television station and person who has filed a written request for notice with the city clerk. (Such notice shall also be mailed or delivered at least forty-eight hours before the meeting to each

council member not present at the meeting at which the special meeting was called or scheduled and to the mayor if he or she was not present at that meeting.

- b. Emergency Meetings.** Emergency meetings of the city council may be called only because of generally unexpected circumstances that require immediate consideration by the council. Only business connected with the emergency may be considered at an emergency meeting. One of the following two procedures must be followed to call an emergency meeting of the council.

(1) The mayor, the mayor pro tempore, or any two members of the council may at any time call an emergency council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each council member or left at his or her usual dwelling place at least six hours before the meeting.

(2) An emergency meeting may be held at any time when the mayor and all members of the council are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the council complies with the notice provisions of the next paragraph.

Notice of an emergency meeting under (1) or (2) shall be given to each local newspaper, local wire service, local radio station and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire service's or station's telephone number, with the city clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the council members and shall be given at expense of the party notified. The notice shall also be posted on the front door of the Municipal Administration Building and placed on the City of Elizabeth City website.

- c. Recessed (or Adjourned) Meetings.** A properly called regular, special, or emergency meeting may be recessed (or adjourned) to a time and place certain by a procedural motion made and adopted as provided in Rule 18, Motion 2, in open session during the regular, special or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed (or adjourned) session of a properly called regular, special or emergency meeting.

- d. Remote / Electronic Meetings - Remote Participation in City Council Meetings by Council members:**

The City of Elizabeth City is committed to conducting its meetings in compliance with the North Carolina Open Meetings Law. During a declared State of Emergency, should the need to discuss time-sensitive or emergency matters arise, a City Council member may attend a regularly scheduled meeting by means of an electronic device, which will (1) allow the absent Council member to hear (and if feasible, see) the other Council members, City staff and other attendees of the meeting and (2) allow the other Council members, City staff and other attendees of the meeting to hear (and, if feasible, see) the absent Council member (s).

To enable all Council members to participate fully in meetings during this time, the following requirements shall apply:

1. A quorum of the Council must be physically present for the meeting.
2. Remote participant(s) must be able to hear the Council's discussion and any presentations made to the Council during the meeting.
3. Technical arrangements must be made so that the remote participant's comments can be heard by all present for the meeting, including the public.
4. The remote participant(s) may not vote on any matter.
5. The remote participant(s) will not be included in determining whether a quorum is present for the meeting.
6. The minutes of the meeting must reflect that the remote participant(s) was not physically present.
7. Remote participation may only be allowed during the event of a declared State of Emergency, in which it is pertinent for the Council to discuss or vote on time-sensitive or otherwise pressing matters. The Council should take precautions to limit voting actions to those items that must be voted on at that time or within the time that an in-person meeting could safely and conscientiously occur.
8. The agenda should be set prior to the meeting and not otherwise amended except in the case of emergency.
9. If a meeting with remote participation must be held, it is to be considered a "location change" and 7-day notice must be given and filed in the Clerk's office.
10. In the event that limits on gatherings are imposed, the public will not be allowed in Council Chambers. The public will be given the opportunity to stream the meeting and/or dial in to listen. The public must submit comments and inquiries to the Clerk prior to the meeting. The same rules for public comment shall apply during this time as those set forth for physical meetings. It shall be the duty of the Clerk to read the comments into the record.

Rule 3. Organizational Meeting

On the date and at the time of the first regular meeting in December following a general election in which council members are elected, or at an earlier date, if any, set by the incumbent council, the newly elected members shall take and subscribe the oath of office as the first order of business. As the second order of business, the council shall elect a mayor pro tempore. As the third order of business, the Council shall adopt its standing Rules of Procedure for the current Council term. This organizational meeting shall not be held before the municipal election results are officially determined, certified and published in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes.

Rule 4. Agenda

- a. Proposed Agenda.** The city manager shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least three working days before the meeting. Any council member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed ordinances shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each council member shall receive a copy of the proposed agenda and the agenda package and it shall be available for public inspection and distribution or copying after it is distributed to the council members.
- b. Adoption of the Agenda.** As its first order of business at each meeting, the council shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. If items are proposed to be added to the agenda of a meeting, the council may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all council members. Any item added to the agenda shall be for discussion purposes only.

The council may, by majority vote, add items to or subtract items from the proposed agenda, except that (a) the council may not subtract items from the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore or two council members, unless those calling the meeting consent to the deletion (b) only business connected with the emergency may be considered at an emergency meeting.

The council may designate certain agenda items “for discussion and possible action.” Such designation means that the council intends to discuss the general subject area of that agenda item before making any motion concerning that item.

- c. **Consent Agenda.** The council may designate a part of the agenda as the “consent agenda.” Items shall be placed on the consent agenda by those preparing the proposed agenda if they are judged to be noncontroversial and routine. Any member may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by single motion, with the minutes reflecting the motions and vote on each item. Items removed from the consent agenda shall be placed at the beginning of the regular agenda in the order in which they were removed.

- d. **Open Meetings Requirements.** The council shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number, or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the council to understand what is being deliberated, voted, or acted on. The council may, however, deliberate, vote or otherwise take action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted or acted on, are available for public inspection at the meeting.

Rule 5. Public Address to the Council and Rules for Public Participation.

Any individual or group who wishes to address the council shall make a written request to be on the agenda to the city clerk. However, the city manager shall determine prior to the meeting whether the requested item is appropriate for consideration by the council. In lieu of this procedure, individuals or groups may contact their council representative to have the councilor request that the item be considered by the council and placed on the agenda.

Rules for Public Participation

1. **Public Comment:** The public is encouraged to offer comments with the order of presentation being as follows: City Staff, Council discussion and official action. City Council meetings are business meetings and the right to limit discussion rests with the Council. Generally, remarks by an individual will be limited to three minutes or less. Individuals may designate their time to a speaker, but total time allowed shall be limited to six minutes per spokesperson. The Mayor or presiding officer has discretion to adjust the amount of time allocated.

- Public Hearings: Any citizen is entitled to speak on items under this section, but shall be limited to three minutes or less unless time has been designated by another member of the audience present. The total time allowed shall be limited to six minutes.
 - Comments and Inquiries from the Public: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the Council under this section. The Council shall withhold comment.
 - Regular Agenda: When extraordinary circumstances or reasons exist and at the discretion of the Mayor, citizens may speak on any official agenda item under these sections.
2. **Sign-In Cards**: Prior to the start of the Council Meetings, individuals wishing to address public hearing or non-agendaed items shall sign in on cards located on the left side of the dais. If you are not able to do so prior to the start of the meeting, you may still address the Council on an appropriate item. The primary purpose of the sign-in card is to assist staff with record keeping. Therefore, when you come up to the podium to speak, please complete the sign-in card if you have not already done so.
 3. **Addressing the Council**: At the appropriate time, please step up to the podium and speak into the microphone in order that your comments may be heard by all present and by the viewing public. Please state your name and physical address for the record. It is hoped that all of the citizen's comments will be addressed to the City Council as an entire body and not to individual Council members or other City Staff. In keeping with Council's right to maintain order and decorum during its meetings, no person will be allowed to willfully disrupt, disturb or interrupt a Council meeting. If a person does so, and he or she then refuses to leave the meeting after being ordered to do so by the presiding officer, he or she may be charged with a misdemeanor under N.C.G.S. 143-318.7. The City's Chief of Police and/or his/her designee shall serve as the Sergeant-at-Arms for all Council Meetings. When directed by the presiding officer, the Sergeant-at-Arms will have the responsibility of removing a public participant whom the presiding officer determines to be disturbing or interrupting a Council Meeting.
 4. **Responses from Council**: The presiding officer and other members of City Council will not respond specifically to a speaker's comments during the public participation portion of a Council meeting other than to express thanks for the speaker's comments. However, an opportunity will be given to correct any non-factual comments made by speaker.
 5. **Appeals from Council Decision**: Any person who wishes to appeal a decision of the City Council must ensure that a verbatim record of the meeting is produced. The City neither produces nor provides such a record.

6. **Special Accommodations:** The City will furnish auxiliary aids and services to afford an individual with a disability an opportunity to participate in and enjoy the benefits of a service, program or activity conducted by the City. The City Clerk shall be contacted 24 hours prior to the event in order for the City to accommodate such a request.

PUBLIC HEARING REQUIREMENT

7. **Public Hearings for Ordinance/Fee Schedule Changes:** A public hearing is required on all ordinance changes and fee schedule adoption/changes with the exception of budget ordinance amendments.

Rule 6. Order of Business.

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

1. CALL TO ORDER
2. INVOCATION *(amended January 27, 2014)*
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. AGENDA ADJUSTMENTS AND APPROVAL
5. ~~STATEMENT OF DISCLOSURE*~~ *(amended April 28, 2014)*
6. PROCLAMATIONS/PRESENTATIONS
7. COMMENTS FROM THE PUBLIC
8. PUBLIC HEARINGS
9. CONSENT AGENDA
10. REGULAR AGENDA
11. ~~COUNCILOR COMMENTS~~
12. CLOSED SESSION *(if required)*
13. ADJOURNMENT

*STATEMENT OF DISCLOSURE (To be read by the City Clerk)

Elizabeth City Code of Ethics provides that public officials and employees be independent, impartial and responsible to the public; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals and in keeping with the ethical standards of conduct for city public officials and its employees, disclosure of interest in legislative action must be stated for the public record, as per City of Elizabeth City Code of Ordinances Section 2-113. The mayor or any member of the city council who has an interest, as defined in Section 2-111 of the City of Elizabeth City Code of Ordinances, in any official act or action before the council shall publicly disclose on the record of the council the nature and extent of such interest, and shall withdraw from any consideration of the matter if excused by the council pursuant to G.S. 160A-75. *(Statement adopted by Council on April 28, 2014)*

b. POLICY FOR INVOCATIONS OFFERED DURING OPEN MEETINGS OF THE CITY OF ELIZABETH CITY COUNCIL AND OFFICIAL CITY OF ELIZABETH CITY BOARDS

Purpose:

This policy is intended to provide guidance to those individuals giving invocations during City Council meetings and other open meetings conducted under the name of the City of Elizabeth City. It is intended to encourage respect for the rich diversity of religious beliefs found in Elizabeth City, as well as to adhere to well-established Federal law requiring that those invocations not proselytize or coerce participation by those attending the meeting and be consistent with the purpose of opening a meeting.

Guidelines:

Pursuant to the interpretations of Federal Constitutional law, rendered by various Federal Courts, prayers are allowed during meetings of the City Council. The City of Elizabeth City's policy complies with the Courts' interpretation, since the following policy avoids marginalizing meeting attendees of different faiths and does not promote one religion or sect at the expense of another.

Once a speaker accepts the opportunity to deliver the invocation, he will be provided with a copy of this policy.

Procedure:

Once the speaker agrees to abide by the rules imposed by these Federal Court decisions and the City's guidelines on invocations, he may render the prayer before the City Council meeting and other meetings of official boards.

The Mayor shall introduce the speaker by mention of his name only. (Example: Mr., Mrs. or Miss Smith will now render the invocation.)

Any violation of this policy by those invited to deliver the invocation will "end" his or her participation in the invocations.

(Policy adopted by the City Council on January 27, 2014 and amended on June 9, 2014.)

c. Items may be considered out of order, in the event no council member objects.

Rule 7. Office of Mayor

The mayor shall preside at all meetings of the council and shall vote only when there is a tie. In order to address the council, a member must be recognized by the mayor.

The mayor or other presiding officer 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 enforce the operational principles as follows:
 1. Come to the meeting prepared
 2. Check out our assumptions before taking actions
 3. Show respect to each other, staff, citizens and in our work and Community
 4. Choose your words carefully, but be specific
 5. Focus on the issues and not the personalities
- 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.
- f. To determine whether any speaker has gone beyond reasonable standards of courtesy in his or her remarks.

A decision by the presiding officer under a, b, or c may be appealed to the council upon motion of any member, pursuant to Rule 18(b), Motion 1. Such a motion is in order immediately after a decision under a, b or c is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Rule 8. Office of Mayor Pro Tempore

At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the council's pleasure. A council member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a council member for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the council may confer on the mayor pro tempore any of the mayor's powers and duties. If the mayor should become physically or mentally unable to perform the duties of his or her office, the council may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When a mayor declares that he or she is no longer incapacitated, and a majority of the council concurs, the mayor shall resume the exercise of his or her powers and duties. If both the mayor and mayor pro tempore are absent from a meeting, the council may elect from among its members a temporary chairman to preside at the meeting.

Rule 9. When the Presiding Officer is in Active Debate

If the mayor or other presiding officer becomes actively engaged in debate on a particular proposal, he or she shall designate another council member to preside over the debate. The mayor or other presiding officer shall resume presiding as soon as action on the matter is concluded.

Rule 10. Action by the Council

The council shall proceed by motion, except as otherwise provided for in Rule 4 and Rule 31. Any member may make a motion.

Rule 11. Second Required.

A motion shall require a second. The maker of a substantive motion shall have the first and last opportunity to address the matter discussed in the motion.

Rule 12. One Motion at a Time

A member may make only one motion at a time.

Rule 13. Substantive Motions

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

Rule 14. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 27 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

Rule 15. Voting by Written Ballot

The council may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the council shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the city clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 16. Debate

The mayor shall state the motion and then open the floor to debate on it. The mayor shall preside over the debate according to the following general principles:

- a. The maker of the motion is entitled to speak first and last;
- 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 proponents and opponents of the measure.
- d. Council members shall abide by the operational principles

Rule 17. Ratification of Actions

To the extent permitted by law, the council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Rule 18. Procedural Motions

- a. **Certain Motions Allowed:** In addition to substantive proposals, only the following procedural motions, and no others, are 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. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.
- b. **Order of Priority of Motions.** In order of priority, the procedural motions are:

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.

A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the council, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Motion 2. To Adjourn (or recess). This motion may be made only at the conclusion of council consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess (or adjourn) to a time and place certain shall also comply with the requirements of Rule 2(c).

Motion 3. To Take a Brief Recess

Motion 4. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

Motion 5. To Suspend the Rules. The council may not suspend provisions of the rules that state requirements imposed by law on the council. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the council, excluding the mayor, and vacant seats.

Motion 6. To Go into Closed Session. The council may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G. S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the council expects to receive advice during the closed session, if in fact such advice is to be received.

Motion 7. To Leave Closed Session.

Motion 8. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Motion 9. To Defer Consideration. The council may defer a substantive motion for later consideration at an unspecified time. A substantive motion, the consideration of which has been deferred, expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion (Rule 18(b), Motion 14) or else move to suspend the rules (Rule 18(b), Motion 5).

Motion 10. Motion for the Previous Question. The motion is not in order until there have been at least 20 minutes of debate and every member has had an opportunity to speak once.

Motion 11. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules (Rule 18(b), Motion 5).

Motion 12. To Amend. (a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend. (b) 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 a vote. (c) Any amendment to a proposed ordinance shall be reduced to writing before the vote on the amendment.

Motion 13. To Revive Consideration. The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 18(b). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive

motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

Motion 14. To Reconsider. The council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority side, except in the case of a tie; in that case the “nos” prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess (or adjournment) to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

Motion 15. To Rescind or Repeal. The council may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

Motion 16. To Prevent Reintroduction for (Six) Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual members of the council excluding the mayor and vacant seats. If adopted, the restriction imposed by the motion remains in effect for (six) months or until the next organizational meeting of the council, whichever occurs first.

Rule 19. Renewal of Motion.

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

Rule 20. Withdrawal of Motion.

A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

Rule 21. Duty to Vote.

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members. 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, *except for those votes taken pursuant to NCGS 160A-385 to amend or repeal zoning ordinances. Failure of a member to vote on zoning ordinance matters pursuant to NCGS 160A-385 shall be officially recorded in the minutes of the meeting as an abstention.*

(Note: Italicized section added by City Council during meeting of November 9, 2015 to comply with Session Law 2015-160.)

Rule 22. Introduction of Ordinances

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the council. A vote to send the matter to public hearing does not constitute a vote on the matter for purposes of adopting an ordinance.

Rule 23. Adoption of Ordinances and Approval of Contracts

- (a) Generally.** An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue (including the mayor's vote, in case of an equal division) shall be required to adopt an ordinance, 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, and not including the mayor. No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

Rule 24. Adoption of the Budget Ordinance.

Notwithstanding the provisions of any city charter, general law, or local act:

1. Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the council by a simple majority of those present and voting, a quorum being present.
2. No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolution by the council; and
3. The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any city charter or local act concerning initiative or referendum.

Rule 25. Closed Sessions.

The council may hold closed sessions as provided by law. 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 motion shall state the purpose of the closed session. If the motion is based in G. S. 143-318.11(a) (1) (closed

session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G. S. 143-318.11(a) (3) (consultation with attorney; handling or settlement of claims, judicial actions, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The council shall terminate the closed session by a majority vote. Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess a regular meeting shall not be in order during a closed session. Items discussed in Closed Session shall be kept confidential in order to avoid bad publicity, loss of credibility, loss of public confidence, legal challenge due to violation of state law, personal liability and loss of trust.

Rule 26. Quorum

A majority of the actual membership of the council plus the mayor, excluding vacant seats, shall constitute a quorum. A majority is more than half. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

Rule 27. Public Hearings

Public hearings required by law or deemed advisable by the council shall be adopted by a majority vote that sets forth the subject, date, place, and time of the hearing. The rules for the public hearing may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokesperson for groups of persons supporting or opposing the same position; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excused from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to council meetings shall also apply to public hearings at which a majority of the council is present; such a hearing is considered to be part of a regular or special meeting of the council. These requirements also apply to hearings conducted by appointed or elected committees of the council, if a majority of the committee is present. A public hearing for which any notices required by the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the council is present.

At the time appointed for the hearing, the mayor or his or her 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 presiding officer shall declare the hearing ended.

Rule 28. Quorum at Public Hearings

A quorum of the council shall be required at all public hearings required by state 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.

Rule 29. Minutes

Full and accurate minutes of the council proceedings, including closed sessions, shall be kept. The board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes and on the request of any members of the council, the “ayes” and “nos” upon any questions shall be taken. Members’ and other persons’ comments may be included in the minutes if the council approves. Minutes and general accounts of closed sessions may be sealed by action of the council. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

Rule 30. Appointments

The council may consider and make appointments to other bodies, including its own committees, if any, only in open session.

The mayor may vote on appointments that come before the council in the case of a tie.

Once the mayor’s appointment recommendations are known, the mayor shall call the roll of the members, and each member shall cast his or her vote.

Rule 31. Committees and Boards

- (a) Establishment and Appointment.** The council or the mayor, if the mayor is delegated that power by the council, may establish and appoint members for such temporary and standing city committees and boards as are needed to help carry on the work of city government.

Any specific provisions of law relating to particular committees and boards shall be followed.

(b) Open Meetings Law. The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, council, or other bodies of the city that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi judicial, administrative or advisory functions. However, the law's requirements shall not apply to a meeting solely among the city's professional staff.

(c) City Council Finance Committee *(adopted on January 8, 2018)*

1. The City Council Finance Committee shall be a standing committee of the governing body, charged with the following duties:
 - a. To review the current operating budget on an ongoing basis;
 - b. To review and report to the Council needed information relative to required budget changes and amendments;
 - c. To provide recommendations or information presented by City staff to the City Council, which supports new and un-budgeted initiatives;
 - d. To assist City staff in preparing the annual fiscal budget and help to present same to the City Council;
 - e. To work with staff to establish a five-year strategic budget and operational plan for presentation to the City Council;
 - f. To investigate and report back its findings/recommendations on other items or matters that the Council shall authorize them to study.
2. The City Council Finance Committee shall consist of all members of the governing body. The committee shall have the Mayor Pro Tempore serve as Chairman.
3. During the first City Council meeting after an Organizational Meeting of the Council, the Mayor shall propose to the governing body those members of the body that he/she recommends serve as members of the Finance Committee. The City Council shall act on the Mayor's recommendations by approving or modifying the appointments. Should matters that would normally require Finance Committee recommendation arise during the interim between the Council's Organizational Meeting and its first regularly scheduled Council meeting, those items shall be presented directly to the City Council for consideration.
4. The Finance Committee shall vote on all matters presented with specific direction to forward recommendations to the Council with no opinion, forward with disapproval or forward with approval.

Recommendations made by the committee should include any specific recommendations for change or further research by staff.

5. Minutes of Finance Committee meetings shall be kept in an action-only format. All recommendations as defined in the preceding Section 5 shall also be reported to the City Council either by the staff memos included in City Council agendas or by separate memo from the City Manager.
6. In the event an issue comes before the committee and a member of the committee has a financial-, personal-, or employment-related interest in the outcome of the issue, that member shall notify his or her fellow members that he or she has a potential conflict of interest and will request that he or she be excused from voting.
7. Action by the Committee: The committee shall proceed by motion and any member including the chair may make a motion. All motions require a second. A member may only make one motion at a time. Motions shall be adopted by a majority of the votes cast, a quorum being defined as all members. A majority vote is more than half. A motion may be withdrawn at any time by the introducer before the matter is put to a vote by the chair. Every member must vote, unless excused by the remaining members of the committee. A member who wishes to be excused from voting shall so inform the chair who shall take a vote of the remaining members. No member shall be excused from voting except in the case of Conflict of Interest as described in Section 7. The Committee may hold Closed Sessions as provided by law. The committee shall commence a closed session only after a motion to go into closed session has been made and adopted during the meeting. Motions to go into closed session shall state the reason for the closed session as provided by NCGS 143-318.11(a). At the conclusion of the meeting, the chair may declare the meeting adjourned without a motion and second by the members to adjourn.

Rule 32. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the city charter, general law, and generally accepted principles of parliamentary procedure. Adoption of an amendment shall require an affirmative vote equal to or greater than two-thirds of all the actual membership of the council, excluding vacant seats, and not including the mayor.

Rule 33. Reference to *Roberts Rules of Order Newly Revised*

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

the latest issue of *Robert's Rules of Order Newly Revised*, to answer unresolved procedural questions.

Adopted by the City Council of Elizabeth City, NC on February 22, 2010 and amended on February 13, 2012, March 26, 2012, January 27, 2014, April 28, 2014, June 9, 2014 and November 9, 2015.

Adopted by the City Council during the Organizational Meeting held on December 14, 2015 and amended on January 11, 2016, February 8, 2016, February 23, 2018, and December 9, 2019.

Subsection on Remote/Electronic Meetings adopted by the Council on April 27, 2020.

Adopted by the City Council during the Organizational Meeting held on December 11, 2023.