

**RULES OF PROCEDURE
FOR THE CHARLOTTE CITY COUNCIL
Adopted April 11, 2016**

1. Regular Meetings

At its organizational meeting, the City Council shall fix the time and place of its regular meetings. Its regular meeting schedule may be changed by the Council at any time upon compliance with the notice provisions of the open meetings law.

2. Special Meetings

Upon compliance with the notice provisions of the open meetings law, the Mayor, or in the absence of the Mayor, the Mayor Pro Tempore, or a majority of the members of the City Council may at any time call a special meeting by causing a written notice, stating the business to be transacted and the time and place of holding such meeting and signed by the person or persons calling the same to be delivered to each member at least six (6) hours before the time of such meetings. Only the business stated in the written notice may be transacted at the special meeting so called, except when the Mayor and all members of the Council are present and consent to the transaction of other business.

3. Organizational Meeting

At the first regular meeting in December following a general election in which Council members are elected, the Mayor and Council 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 from its members a Mayor Pro Tempore who shall hold office at the pleasure of the Council.

4. Agenda: Procedures

(a) The City Manager shall prepare the agenda for the meeting. The Mayor or City Manager¹ may place an item on any agenda. The Mayor and each member of the Council shall receive a copy of the agenda and it shall be available for public inspection when it is distributed to the Mayor and Council.

(b) During its consideration of the agenda, Council members shall confine their discussion and comments to only those items that appear on the agenda. For purposes of this subsection, any issue which is raised by a speaker at a Citizens Forum shall be considered an agenda item for purposes of questions and discussion, but not for action, unless all Council members agree in accordance with subsection (c) below.

¹ Unless expressly provided in these rules, the authority and powers granted to the City Manager may not be delegated. However the authority and powers granted to the City Manager may be exercised by an Interim or Acting City Manager.

(c) Any matter which is not on the agenda may be discussed upon the completion of the agenda. The Council may not take formal action on any non-agenda matter unless all Council members, in accordance with Section 3.23 (a) of the Charter, vote to add the matter to the agenda. A motion to suspend the rules shall not be in order if the purpose of the motion is to suspend the requirement of unanimity necessary to add a non-agenda matter to the agenda.

(d) Any member of Council may request the City Manager to place an item on a future agenda by making such a request at a Council meeting. Unless a Council member or the City Manager objects, the requested item shall be included. If a Council member or the City Manager has an objection, the item in question shall not be included on a future agenda, unless a majority of the Council votes in favor of including the item.

(e) The City Council may periodically hold policy agenda meetings to discuss issues of a policy nature and to determine the necessity for further action. Policy agenda meetings will be considered informal sessions of City Council

5. Addressing Council

(a) Persons desiring to address the City Council shall contact the office of the City Clerk and give their name, address, telephone number, and subject matter to be discussed. Any person unable to give advance notice prior to a Council meeting, shall fill out the card available for this purpose and hand it to the City Clerk prior to the time the agenda item is reached. Once an agenda item has been called, a person may not sign up to speak. Notwithstanding the forgoing, for matters where an unusually large number of persons are expected to speak, the Mayor may set an earlier deadline for speakers to register with the City Clerk.

(b) For agenda items and public hearings other than zoning public hearings, persons who have signed up to speak shall be allowed to speak for up to three (3) minutes. The Mayor, or the presiding officer in the absence of the Mayor, shall have the discretion, subject to appeal to the Council, to shorten the time for speaking when an unusually large number of persons have registered to speak. Speakers may not yield their time to another person.

(c) Zoning public hearings. At hearings involving amendments to the zoning ordinance, the time allotted for speakers and the order of presentation is set forth below. The time of proponents or opponents may be extended by an affirmative vote of a majority of the Council members present.

- A. If speakers are signed up in opposition, or if staff opposes the petition:
 - (i) Staff makes presentation.
 - (ii) Proponents and opponents will be allowed 10 minutes each; proponents will be allowed 2 minutes rebuttal.

- B. If no speakers are signed up to speak in opposition and staff recommends approval:
 - (i) Staff makes presentation.
 - (ii) Petitioner will be allowed up to 3 minutes.

(d) Once a matter has been the subject of a public hearing, persons will not be allowed to address the Council on the matter at a subsequent Council meeting, or at a subsequent informal session devoted to hearing from citizens. Citizens may respond to questions or inquiries for information from Council members or the Mayor after the close of a public hearing.

(e) The provisions of this rule shall not apply to speakers addressing Council on awards and recognitions or for staff or other individuals expressly invited to address Council on a matter.

(f) Scheduling Citizen Forum. A Citizens Forum shall be held at least once a month during which persons may speak on matters not on the agenda. To enable all citizens an equal opportunity to speak, a citizen may only speak at the Citizens Forum once each quarter. The number of speakers at a Citizens Forum shall be limited to ten (10) unless otherwise agreed to by a majority of Council.

6. Office of Mayor

The Mayor shall preside at all meetings of the Council. In order to address the Council, a member must be recognized by the Mayor. At such Council meetings, the Mayor shall have the following powers:

- (a) To rule motions in or out of order, including any motion patently offered for obstruction or dilatory purposes;
- (b) To determine whether a speaker has gone beyond reasonable standards of courtesy in their remarks and to entertain and rule on objections from other members on this ground;
- (c) To entertain and answer questions of parliamentary procedure (the City Attorney may offer advisory opinions or advice to the Mayor);
- (d) To call a brief recess at any time;
- (e) To adjourn in an emergency;
- (f) To vote in cases of a tie and as otherwise authorized by Section 3.23(b) of the Charter; and
- (g) To veto any action adopted by the City Council except those actions set forth in

Section 3.23(b) of the Charter.

7. Office of Mayor Pro Tempore

The 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 Mayor Pro Tempore shall preside, and when presiding, shall have the right to vote upon all questions, but shall have no additional vote in case of a tie.

8. Presiding Officer When the Mayor is in Active Debate

The Mayor shall preside at meetings of the Council unless actively engaged in debate on a particular proposal, in which case the Mayor may designate another Council member to preside over the debate. The Mayor shall resume the duty to preside as soon as the debate on the matter is concluded and prior to a vote on the matter.

9. Action by the Council

The Council shall proceed by motion. Any member after being recognized may make a motion. All motions require a second.

10. One Motion at a Time

A member may make only one motion at a time.

11. Substantive Motion

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

12. Adoption by Majority Vote

A motion shall be adopted if it receives at least six (6) affirmative votes unless otherwise required by the Charter, or the laws of North Carolina.

13. Debate

Once a motion has been made and seconded, the Mayor shall open the floor for debate. The Mayor shall preside over the debate according to the following general principles:

- (a) The introducer (the member who makes the motion) is entitled to speak first; and
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken.

14. Procedural Motions

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

- (a) To adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter. This motion is not debatable.
- (b) To take a recess. This motion is not debatable.
- (c) To suspend the rules. The motion requires a two-thirds (2/3) vote to pass.
- (d) To divide a complex motion and consider it by paragraph.
- (e) Call of the previous question. The motion is not in order until all Council members, who have indicated a desire to be recognized, have had an opportunity to speak once. Requires a two-thirds (2/3) vote and is not debatable.
- (f) To postpone to a certain time or day.
- (g) To refer to a committee. Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Council, whether or not the committee has reported the matter to the Council.
- (h) To amend. An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the intent of the motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made.
- (i) To reconsider. This motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken. The motion cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.
- (j) To substitute. A motion to substitute may seek the opposite result of the original motion, but it must be pertinent to the subject matter of the original motion. It shall not be necessary for the Council to vote a second time on the same subject matter if a motion to substitute is approved.

15. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before a vote. Permission of the member seconding the motion is not required. Once a motion is withdrawn, the same motion cannot be remade by the same Council member in the form of a substitute motion.

16. Duty to Vote

Every member must vote unless excused by the remaining members as authorized or required by law. A member who wishes to be excused from voting shall so inform the Mayor, who shall take a vote of the remaining members. 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.

17. Adoption of Motions, Resolutions and Ordinances

Six (6) affirmative votes shall be required for the passage of any motion, resolution or ordinance. Motions, resolutions and ordinances granting special franchises and special privileges must be voted on and passed at not less than two regular meetings of the City Council. Except as provided in this section, motions, resolutions and ordinances will be deemed adopted if passed upon one reading.

Except for Council appointments to committees, boards and commissions; its employment of the City Manager, the City Attorney and the City Clerk; its internal affairs; and matters which must be approved by the voters, the Mayor may veto any action adopted by the City Council. The veto must be exercised at the meeting at which the action was taken. An action vetoed by the Mayor shall automatically be on the agenda at the next regular or special meeting of the Council, but shall not become effective unless it is re-adopted by the Council with at least seven (7) members voting in the affirmative.

18. Closed Sessions

The Council may hold closed sessions as provided by law.

19. Quorum

A majority of the actual members of the Council shall constitute a quorum. A member who leaves a meeting, whether excused or unexcused, shall be counted as present for purposes of determining whether a quorum is present.

20. Quorum at Public Hearings

A quorum of the Council shall be required at all public hearings required by law.

21. Minutes

Full and accurate minutes of the Council proceedings shall be kept and shall be open to the inspection of the public. The results of each vote shall be recorded in the minutes.

22. Council Committees

The following rules shall be applicable to all Council committee meetings:

- (a) A quorum shall be required consisting of a majority of the members of the committee.
- (b) The chairman of the committee shall have a vote on all matters coming before the committee.
- (c) Minutes of committee meetings shall be kept and open to the inspection of the public. The results of each vote shall be recorded in the minutes.

23. Reference to Roberts Rules Of Order

To the extent not provided for in these Rules, and to the extent it does not conflict with North Carolina law, the Council shall refer to Roberts Rules of Order, Revised, to answer unresolved procedural questions.

24. Contacts With City Staff

With regard to the Council-Manager relationship, Section 4.03 of the Charlotte City Charter provides as follows: “The Council shall hold the City Manager responsible for the proper management of the affairs of the City and the City Manager shall keep the Council informed and shall make reports and recommendations as requested by Council or as the Manager determines necessary. Neither the Mayor, the Council nor any member thereof shall direct the conduct or activities of any City employee, directly or indirectly, except through the City Manager.”

Council members shall contact the City Manager or a member of the City Manager’s Office staff on any item or question of a policy nature, or if the Council member is seeking additional information, briefing or analysis which is not readily available. The City Manager will refer requests which require more than four hours of staff time to the City Council for approval.

Routine requests for information shall be directed to the Manager's staff or to the appropriate department head. Council members are encouraged to direct citizens who have routine service requests to 311

25. Communications With Citizens Committees and Other Parties

In contacts with appointed Citizens Committees or other individuals or groups, Council members shall not represent their individual views as being representative of the full City Council unless Council has formally authorized them to do so.

If the City is entering into negotiations with another party on a matter which could result in a formal contractual arrangement, Council will normally direct the City Manager to conduct those negotiations and come back to the Council with a recommendation. The Council may ask one or more of its members, or a Council Committee, to work with the City Manager during negotiations but may only do so at a Council meeting. The Mayor may make such a request if time is of the essence, with notification to the Council immediately thereafter, and confirmation by the Council at its next meeting.

Unless a Council member's participation has been authorized as outlined above, Council members shall not participate in formally authorized negotiations with any outside parties.

26. Council Contacts With Media

Council members shall not represent any contacts they have with the media as being representative of the full City Council unless Council has formally taken a position on the matter.

Individual Council members shall not release information to the media or the public when that information has been provided to them by the City Attorney as part of a Confidential Attorney-Client memorandum or as part of a City Council closed session held in compliance with the Open Meetings law (see Sec. 3.a. of the Mayor and Council's Code of Ethics – "They should also not disclose confidential information, including the premature disclosure of what transpired in a closed session."). The Council may choose to designate a spokesperson, such as the Mayor or City Attorney, to release appropriate information to the media or the public.

27. Nominations for Boards and Commissions by Absent Council Members

A Council member who will be absent from a meeting at which nominations for boards and commissions will be accepted, may make nominations in writing by submitting those written nominations to the City Clerk at any time prior to the scheduled beginning time of the meeting at which the nominations will be accepted.

28. Telephonic and electronic attendance at meetings.

- (a) Committee meetings. Council members may attend committee meetings by telephone or other electronic means when they are unable, by reason of illness or injury, to attend in person. Members who plan to attend by electronic means shall notify City staff at least 48 hours in advance to allow for arrangements to be made. Members attending electronically are entitled to vote and fully participate in the business of the committee meeting.

- (b) Council meetings. Council members may attend Council meetings by telephone or other electronic means for emergency meetings. In addition, Council members may attend regular and special meetings by telephone or other electronic means where:
 - (i) necessary to achieve a quorum;
 - (ii) attendance is precluded due to weather, civil unrest, emergency, etc.; and
 - (iii) the meeting needs to be continued (*e.g.*, need to open and continue a public hearing to avoid the need to readvertise) or to take action on matters that cannot be delayed.