



**RESOLUTION TITLE: RESOLUTION ADOPTING THE PROCEDURES FOR THE  
GASTON COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Board of County Commissioners of Gaston County recognize the need for adoption of a set of Standard Operating Procedures; and,

WHEREAS, in keeping with N.C.G.S § 153A-41, the Board of County Commissioners adopted the method of operations of the Board entitled "Organization and Procedures" (hereinafter referred to as the "Procedures"), a copy of which originally appeared in the Minutes of the Board on December 13, 1979, and as amended by the Board thereafter; and,

WHEREAS, the Board felt it was prudent and necessary to conduct a comprehensive review of the Board's Procedures for consistency with current laws, County ordinances and policies, best practices, and organizational philosophy. A proposed revision of the Procedures was presented to the Board for consideration and is attached herein.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners adopts the revised method of operations of the Board entitled, "Procedures for the Gaston County Board of Commissioners" and any conflicting language from prior resolutions of the Board is hereby rescinded.

BE IT FURTHER RESOLVED that any member of the Board may submit a request for revisions to the Procedures to the County Attorney for distribution to the Board. Any proposed changes to the Procedures will be subject to adoption by the Board.

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	CCloninger	AFraleley	BHovis	KJohnson	TKelgher	RWorley	Vote
2023-089	03/28/2023	BH	TK	A	A	A	A	A	A	A	U

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# Procedures for the Gaston County Board of Commissioners

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## **Part I. Applicability**

### **Rule 1. Applicability of Rules**

These rules apply to all meetings of the Board of Commissioners of Gaston County (the “Board”). For purposes of these rules, a meeting of the Board occurs whenever a majority of the Board’s members gather, whether 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**

### **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 membership. Vacancies do not reduce the number of members necessary to establish a quorum. A member who withdraws from a meeting of the Board without being excused by majority vote of the remaining members present is deemed present for quorum purposes. The Board may compel an absent member to attend by ordering the Sheriff to take the member into custody. (G.S. 153A-43).

## **Part III. Open Meetings (G.S Chapter 143, Article 33C)**

### **Rule 3. Meetings to be Open to the Public**

Except as permitted by Rule 5, all meetings of the board shall be open to the public, and any person may attend its meetings.

### **Rule 4. Remote Participation in Board Meetings**

A member who is not physically present for a board meeting may participate in the meeting by electronic means. A member who attends a meeting electronically may take part in debate, but the member may neither be counted toward a quorum nor cast a tie-breaking vote on any matter before the Board.

### **Rule 5. Closed Sessions**

**(a)** Notwithstanding the provisions of Rule 3, the Board may hold a closed session and exclude the public, but only under those circumstances and for those purposes as authorized by the North Carolina General Statutes. (G.S. 143-318.11).

**(b) Motion to Enter Closed Session.** The Board may enter a closed session from which the public is excluded only upon a motion duly made and adopted in open session. The motion to enter closed session must cite one or more of the permissible bases for closed session. A motion to enter closed session under subdivision (a)(1) or (a)(3) of G.S.143-318.11 must contain the additional information as specified in those provisions.

**(c) Motion to Return to Open Session.** Upon completing its closed session business, the Board shall end the closed session by adopting a duly made motion to return to open session.

**(d) Closed Session Participants.** Unless the board directs otherwise, the County Manager, County Attorney, and Clerk to the Board may attend closed sessions of the Board. No other person may attend a closed session unless invited by majority vote of the Board.

## **Rule 6. Meeting Minutes**

**(a) Minutes Required for All Meetings.** The Clerk to the Board prepares the Board of Commissioners meeting minutes as soon as practicable after the meeting. The minutes are kept in written form in chronological order by the Clerk and are available for public inspection. To be “full and accurate,” minutes must record all actions taken by the Board. They 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 discussions of board members, though the Board, in its discretion, may decide to incorporate such details into the minutes.

**(b) Record of “Ayes” and “Nays.”** At the request of any member, the minutes shall list each member by name and record how each member voted on a particular matter.

**(c) General Accounts of Closed Sessions.** In addition to minutes, the Board must keep a general account of each closed session. The general account must 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) Sealing Closed Session Records.** Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the Board except that the County Attorney may unseal minutes and general accounts of closed sessions under the delegated authority of the Board and any Board member may view the sealed minutes and general accounts of closed sessions. The County Attorney shall report to the Board when minutes are to be unsealed or unsealed with redactions, or viewed by Board Members. The sealed minutes and general account of any closed session may be withheld from public inspection, so long as public inspection would frustrate the purpose(s) of the closed session.

## **Rule 7. Broadcasting and Recording Meetings**

**(a) Recordings.** Commission meetings held at the Courthouse are live-streamed and televised live on the Government Access Channel.

**(b) Right to Broadcast and Record.** Any person may photograph, film, tape-record, or otherwise reproduce any part of a board meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a board meeting pursuant to G.S. 143-318.14.

**(c) Advance Notice.** Any radio or television station that plans to broadcast any portion of a board meeting shall so notify the County Manager no later than twenty-four hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a board meeting.

**(d) Equipment Placement.** The County Manager may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a board meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the County Manager determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record

the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the County Manager may require the pooling of the equipment and the personnel operating it.

**(e) 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 County in securing an alternative meeting site.

## **Part IV. Structure of the Board**

### **Rule 8. Structure of the Board**

The Gaston County Board of Commissioners consists of seven (7) members. Members serve four-year staggered terms. Candidates for the Board of Commissioners file for office by township and are elected at large. (G.S. 153A-34 and G.S. 153A-58(l)(2D)).

**(a) Filling Vacancies on the Board.** If a vacancy occurs on the Board, the remaining members of the Board shall appoint a qualified person to fill the vacancy according to the procedures documented in G.S. 153A-27. The person selected to fill the vacancy must reside in the same township as the member being replaced. If the member being replaced was elected as the nominee of a political party, then his or her replacement must belong to the same party.

**(b) Officials Appointed by the Board.** The Board appoints the following County officials to serve at its pleasure\*:

- County Manager (G.S. 153A-81)
- County Attorney (G.S. 153A-114)
- Clerk to the Board (G.S. 153A-111)
- County Tax Director (G.S. 105-294 and G.S. 105-349; \*County Assessor and Tax Collector were combined into the position of Tax Director via Resolution 2012-235)
- \*The Chief of Police of the Gaston County Police Department shall, subject to the approval of the Gaston County Board of Commissioners, be appointed to office by the County Manager. The Chief of Police of the Gaston County Police Department shall be suspended or removed from office by the Gaston County Board of Commissioners for cause. (1983 Chapter 904, House Bill 626).

**(c) Delegation of Authority.** The authority of the Board of Commissioners is exercised by formal action or approval made in official meetings of the Board. Individual Commissioners may act pursuant to authority conferred upon such Commissioner or Commissioners by appropriate approval or direction of the Board made in Regular Session. Commissioners are elected to exercise authority conferred upon them as County Commissioners subject, however, to authority granted and the limitations thereon which are generally set forth in Chapter 153A of the North Carolina General Statutes. No comment or statement made by a Commissioner is binding upon any other Commissioner or upon the Board of Commissioners. It is the duty of a Commissioner to exercise deliberative judgment in determination of matters which lie within the discretion of the Board of Commissioners and to take appropriate action in formal session with respect to such matters. The exercise of such judgment by a Commissioner upon such circumstances cannot be delegated.

## **Rule 9. Organizational Meeting; Selection of Chair and Vice Chair**

**(a) Requirement to Hold Organizational Meeting.** The Board shall hold an organizational meeting each December to take the actions set out in this rule. (G.S. 153A-39).

### **(b) Scheduling Organizational Meeting.**

1. *Even-Numbered Years.* The Board shall hold an organizational meeting at its regular meeting place at 9:00 a.m. on the first Monday in December of each even-numbered year. The organizational meeting shall be convened and concluded before the regular December meeting is convened.
2. *Odd-Numbered Years.* The Board shall hold an organizational meeting on the same date as its first regular meeting in December.

### **(c) Order of Business.**

1. *Even-Numbered Years.*
  - (A) As the first order of business at the organizational meeting, all persons elected or re-elected to the Board at the most recent county election must take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution, unless they did so earlier in the day. They must then take the General Oath prescribed by G.S. 11-11. Each member's constitutional oath must be filed with the Clerk to the Board. Although a newly elected or reelected member who has not yet been sworn in and who is not present for the organizational meeting may be sworn in later, the member must take, subscribe, and file the constitutional oath and take the G.S. 11-11 oath before he or she begins performing any of the duties of the member's office.
  - (B) As the second order of business, the Board shall elect a chair and vice chair by majority vote.
  - (C) As the third order of business, the Board shall approve the bonds of the Sheriff, the Register of Deeds, and other bonded county officials, and induct any other newly elected county officials into office.
2. *Odd-Numbered Years.* As the first order of business, the Board will elect the chair and vice-chair.

**(d) Presiding Officer.** The County Attorney shall call the organizational meeting to order and preside until the Board elects a new chair. Once elected, the new chair shall preside.

## **Rule 10. Terms of the Chair and Vice Chair**

The members selected as chair and vice chair at the organizational meeting shall serve for the ensuing year unless removed by the Board for cause.

## **Part V. Types of Meetings**

### **Rule 11. Regular Meetings**

**(a) Regular Meeting Schedule.** The Board shall hold a regular meeting on the second and fourth Tuesday of each month, except that if a regular meeting day is on a holiday on which county offices are closed, the meeting shall be held on the next business day except as provided for by the adopted schedule of regular

meetings. The meetings shall be held at the Gaston County Courthouse, 325 Dr. Martin Luther King, Jr., Way, on the second floor in the Harley B. Gaston, Jr., Public Forum, and begin at 6:00 pm unless otherwise altered by the adopted schedule of regular meetings. The Board shall adopt a resolution establishing the meeting schedule each year consistent with this rule and must hold at least one (1) meeting per month. (G.S. 153A-40). For purposes of these rules, a work session of the Board constitutes a regular meeting if it appears on the Board's duly adopted schedule of regular meetings. In all other cases, a work session is a special meeting to which the provisions of Rule 11 apply.

**(b) Notice of Regular Meeting Schedule.** The Board must ensure that a copy of its current regular meeting schedule is filed with the Clerk to the Board and posted on the County's website. At least ten (10) days before the first regular meeting held pursuant to the schedule, the Board must cause the schedule to be published as required by law and posted on the courthouse bulletin board.

**(c) Change to Regular Meeting Schedule.** The Board may adopt a resolution altering the time or place of a particular regular meeting or all regular meetings within a specified period. The Board must ensure that the resolution is filed with the Clerk to the Board at least seven (7) calendar days before the first meeting held pursuant to the revised schedule. The Board must also have the revised schedule posted on the County's website. Additionally, the Board must cause notice of the temporary change to be posted at or near its regular meeting place and to be sent to everyone who has submitted a written request for notice of its special meetings.

## **Rule 12. Special Meetings**

**(a) Calling Special Meetings.** The chair or a majority of members may call a special meeting of the Board by signing a written notice stating the date, time, and place of the meeting and the subject(s) to be considered.

**(b) Notice to the Public.** At least forty-eight hours before a special meeting, the Board shall cause the written notice to be (1) posted on the Board's principal bulletin board; (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 to the Board; and (3) posted on Gaston County's website

**(c) Notice to Members.** At least forty-eight hours before a special meeting, the chair or the members who called the meeting shall have the written notice of the meeting delivered to the other members of the Board or left at their usual dwelling places unless members have elected in writing that the Clerk to the Board may deliver notice of special meetings via electronic means and agreed that such electronic delivery satisfies the notice requirements found in G.S. 153A-40(b), which reads in pertinent part that said notice must "be delivered to the chairman and each other member of the board."

**(d) Transacting Other Business.** Unless all members are present or any absent member has signed a written waiver of notice, only those items of business specified in the notice to members may be taken up.

## **Rule 13. Emergency Meetings**

**(a) Calling Emergency Meetings.** The chair or a majority of the Board's members may call an emergency meeting to address generally unexpected circumstances that demand the Board's immediate attention.

**(b) Notice of Emergency Meetings.** The member or members who call an emergency meeting must take reasonable action to inform the other members of the Board and the public of the meeting. In addition,

notice of the meeting must be given to each local newspaper, local wire service, local radio station, and local television station that has filed with the Clerk to the Board 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 must be provided immediately after members have been notified.

**(c) Transaction of Other Business Prohibited.** Only business connected with the emergency may be discussed or otherwise considered at an emergency meeting.

## **Rule 14. 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. The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene.

**(b) Notice of Recessed Meetings.** Notice of the recessed meeting's date, time, and place must appear on the Gaston County webpage prior to the meeting. No further notice of a properly called recessed meeting is required.

## **Rule 15. Limited Authority to Meet Outside the County**

The Board must hold all of its meetings within Gaston County except for the following:

- a joint meeting of the Board with another public body, if the joint meeting is held within the political subdivision represented by the other public body;
- a retreat, forum, or similar gathering held solely to provide board members with general information relating to the performance of their duties, so long as members do not vote or otherwise transact business during the event;
- a meeting between the Board and the local legislative delegation during a session of the General Assembly, provided board members do not vote or otherwise transact public business during the meeting except with regard to matters pertaining directly to legislation proposed to or pending before the General Assembly; and
- a convention, association meeting, or similar gathering but only if board members confine their deliberations to event-related issues that are not legally binding on the Board or its constituents, such as convention resolutions and the elections of association officers.

## **Part VI. Agenda**

### **Rule 16. Agenda**

Every item submitted for the agenda for a regular board meeting must be accompanied by a Request for Board Action form which supplies the following information:

- Who originated the request
- Subject of request
- Summary and background of subject matter
- Financial information

- Documents attached
- Related statutes or policy

**(a) Draft Agenda.**

1. *Preparation.* The Clerk to the Board shall prepare a draft agenda in advance of each meeting of the Board. The County Manager shall hold an Agenda Review meeting prior to each regular meeting. A request to have an item of business placed on the draft agenda must be received by the Clerk prior to the County Manager's Agenda Review meeting date as established by the County Manager. The Clerk must place an item on the draft agenda in response to a board member's timely request.
2. *Supplemental Information/Materials.* The agenda packet shall include the draft agenda, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda.
3. *Delivery to Board Members.* Except in the case of an emergency meeting, each member shall receive a paper or electronic copy of the draft agenda and agenda packet at least seven (7) business days before the meeting.
4. *Public Inspection.* The draft agenda and agenda packet will be available to the public when they are ready to be circulated.

**(b) Published Agenda.** The published agenda for the Board of Commissioners meeting is prepared and distributed by the Clerk to the Board. The published agenda is distributed by the Friday preceding each regularly scheduled meeting of the Board to the following:

- All Commissioners
- All Gaston County Employees
- All individuals and entities who have elected to receive notifications related to the Board of Commissioners' Agendas
- The Gaston County Sunshine List

Requested revisions to the Published Agenda (prior to the meeting) shall be reviewed or approved by the County Manager prior to submission to the Clerk to the Board. Requested revisions must be approved by the chair (or a majority of the Board) and submitted to the Board prior to being published. The Revised Agenda shall be published/distributed as described above no later than 2:00 p.m. on the day of the meeting.

**(c) Adoption of the Agenda.**

1. *Adoption.* As its first order of regular 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 only add agenda items by a unanimous vote of the members present and voting, except that:
  - the Board may not add to the items stated in the notice of a special meeting unless the requirements in Rule 12(d) are satisfied; and
  - only business connected with the emergency may be discussed or otherwise considered at an emergency meeting.

3. *Designation of Items “For Discussion Only.”* The Board may add an agenda item “for discussion only” by majority vote.

**(d) Consent Agenda.** The Board may designate part of an agenda for a regular meeting as the consent agenda. Items may be placed on the consent agenda by the Clerk, in consultation with the chair, if the items are judged to be noncontroversial and routine. Prior to the Board’s adoption of the meeting agenda, the request of any member to have an item moved from the consent agenda to the business agenda must be honored by the Board. All items on the consent agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.

**(e) Informal Discussion of Agenda Items.** The Board may informally discuss an agenda item even when no motion regarding that item is pending.

## **Rule 17. 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 people at the meeting can understand what is being deliberated or acted upon.

## **Rule 18. 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, invocation, and pledge of allegiance
- Public Hearings
- Business Agenda
  - Agenda revisions/approval
  - Approval of Minutes
- Citizen Recognition
- Consent Agenda
- Items Pulled from Consent Agenda
- Items added by majority vote for discussion only
- Appointments
- Reports
- Other Matters
- Adjournment

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 19. The Chair**

**(a) Presiding Officer.** 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.

**(c) Recognition of Members.** A member must be recognized by the chair (or other presiding officer) in order to address the Board, but recognition is not necessary for an appeal pursuant to Rule 32 (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 answer given by the chair under subparagraphs (d)(1), (2), or (3) of this Rule in accordance with Rule 32 (Motion 1).

## **Rule 20. Presiding Officer in the Chair's Absence**

The vice chair shall preside over meetings of the Board in the chair's absence. If both the chair and vice chair are absent, the members present may choose a temporary chair from among themselves. The vice chair or other member presiding in place of the chair has the powers listed in Rule 19(d).

## **Rule 21. When the Presiding Officer Is Active in Debate**

If the chair becomes active in debate on a particular proposal, he or she may have the vice chair preside during the Board's consideration of the matter. If the vice chair is absent or is also actively debating the matter, the chair may designate another member to preside until the matter is concluded. Similarly, if while presiding, the vice chair or temporary chair wishes to join in debating a topic, he or she may designate another member to preside for the duration of the Board's consideration of the matter.

# **Part VIII. Motions and Voting**

## **Rule 22. Action by the Board**

A Commissioner who has studied the issue prior to bringing it forward to the full Board must serve as the sponsor for any issue requiring a vote of the Board. (Res. No 2005-289). For such matters that require public hearings, the Commissioner elected from the Township in which the affected property is located will be asked to sponsor the agenda item. If that Commissioner decides not to sponsor the agenda item, the item will be listed as sponsored "by the Board of County Commissioners," or "BOC."

Except as otherwise provided in these rules, the Board shall act by motion. Any member may make a motion.

## **Rule 23. Second Required**

A second is required on any motion.

## **Rule 24. One Motion at a Time**

A member may make only one motion at a time.

## **Rule 25. 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 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.

## **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 his or her 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 his or her vote without the unanimous consent of the remaining members present.

## **Rule 29. Duty to Vote**

**(a) Duty to Vote.** Every Board member must vote except when excused from voting as provided by this rule.

**(b) Grounds for Excusal.** A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not if the proposal in question is one to alter the compensation or allowances paid to Board members. Members may also be excused from voting when prohibited from voting under G.S. 14-234 (contract providing direct benefit to member or a nonprofit with which the board member is associated), or G.S. 160D-109 (member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker or legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member). Questions about whether a basis for excusal exists should be directed to the County Attorney.

**(c) Procedure for Excusal.**

1. *At the Member's Request.* Upon being recognized at a duly called meeting of the Board, a member who wishes to be excused from voting shall inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining

members present vote to excuse the member, the member is excused from voting on the matter.

2. *On the Board's Initiative.* Even when a member has not asked to be excused from voting on a matter, a majority of the remaining members present may, by motion and vote, excuse the member from voting if the member is prohibited from voting under paragraph (b).

**(d) Consequence of Non-Excused Failure to Vote.** If a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as cast with the majority, provided:

- the member is physically present in the meeting room; or
- the member has physically withdrawn from the meeting room without being excused by majority vote of the remaining members present.

In the event of a tie vote, the member's vote shall be recorded as an affirmative vote.

### **Rule 30. Voting by Written Ballot**

**(a) Secret Ballots Prohibited.** The Board may not vote by secret ballot. (G.S. 143-318.13(b)).

**(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 must sign his or her ballot, and the minutes must record how each member voted by name. The ballots must be made available for public inspection in the office of the Clerk 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.

### **Rule 31. Substantive Motions**

A substantive motion is not in order if made while another 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 42 (Motion 12).

### **Rule 32. 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 rule 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.

When several procedural motions are pending, voting must begin with the procedural motion highest in

priority, except that a motion to amend or end debate on the highest priority motion must be voted on first.

**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 14. 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 proposed; 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 at least a quorum of the Board. The Board may not suspend provisions in these rules that are required under state law.

**Motion 7. To Divide a Complex Motion.** This motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.

**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.

**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 must 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 (1) motion to amend and one (1) motion to amend the amendment may be pending at the same time.

**(c) Amendments to Ordinances.** Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.

**Motion 12. To Reconsider.** The Board may vote to reconsider its action on a matter, provided the motion to reconsider is made: (a) at the same meeting during which the action to be reconsidered was taken; and (b) 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 13. To Rescind.** The Board may vote to rescind an action taken at a prior meeting provided rescission is not forbidden by law.

## **Part IX. Ordinances and Contracts**

### **Rule 33. Introduction of Ordinances**

For purposes of these rules, the “date of introduction” for a proposed ordinance is the first date on which the proposed ordinance appears on the approved agenda for a Board meeting.

### **Rule 34. Adoption, Amendment, and Repeal of Ordinances**

**(a) Form of Proposed Ordinances.** The Board may not adopt a proposed ordinance unless it has been reduced to writing and distributed to members before the vote is taken.

#### **(b) Adoption of Ordinances Not Subject to Public Hearing Requirements.**

1. *Approval on Date of Introduction.* To be adopted at the meeting where first introduced, an ordinance or any action having the effect of an ordinance must receive the affirmative votes of all members of the Board. If the measure receives a majority of votes cast on the date of introduction but not the unanimous support of all members, the Board must take it up again at its next regular meeting. (G.S. 153A-45). However, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced. (G.S. 153A-123).
2. *Approval After Date of Introduction.* At its first regular meeting following the date of introduction or at any meeting thereafter within 100 days of the date of introduction, the Board may adopt the proposed ordinance or action having the effect of an ordinance by a majority of votes cast, a quorum being present.

#### **(c) Adoption of Ordinances Subject to Public Hearing Requirements.**

1. *The Budget Ordinance or Budget Amendments.* Rule 35 governs the approval of the budget ordinance and amendments thereto.

2. *Other Ordinances.* Following a required public hearing on a proposed ordinance, the Board may adopt the measure by a majority of votes cast, a quorum being present, regardless of whether the vote occurs on the date of introduction.

**(d) Amendment and Repeal of Ordinances.** The same voting requirements that govern the adoption of proposed ordinances also apply to the amendment or repeal of an ordinance.

### **Rule 35. Adoption of the Budget Ordinance**

The budget is presented annually to the Board of Commissioners by the County Manager, who serves as Budget Officer for the County. The format and supporting documentation are determined by the County Manager. A public hearing on the budget is conducted before its final approval. The budget must receive final approval from the Board by June 30 of each year. (G.S. 159-8).

#### Amendment Procedure:

The governing board may amend the budget ordinance at any time after the ordinance's adoption in any manner, so long as the ordinance, as amended, continues to satisfy the requirements of G.S. 159-8 and 159-13.

**(a) Special Rules for the Adoption or Amendment of the Budget Ordinance.** Unless otherwise prohibited by statute or local act:

1. the Board may adopt or amend the budget ordinance at a regular or special meeting of the Board by a majority of those members 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 resolutions by the Board; and
3. the adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any local act concerning initiative or referendum.

**(b) Notice Requirements for Budget Meetings.** During the period beginning with the submission of the budget to the Board and ending with the adoption of the budget ordinance, the Board may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the Open Meetings Law, which continue to apply, no provision of law or these rules concerning the call of special meetings applies during that period, so long as:

1. each member of the Board has actual notice of each special meeting called for the purpose of considering the budget; and
2. no business other than consideration of the budget is taken up.

**(c) No Authority for Closed Sessions.** This rule shall not be construed to authorize the Board to hold closed sessions on any basis other than the grounds set out in Rule 5.

## Part X. Public Hearings and Comment Periods

### Rule 36. Public Hearings

**(a) Calling Public Hearings.** In addition to holding public hearings required by law, the Board may hold any public hearings it deems advisable. The Board may schedule hearings or delegate that responsibility to county staff members, as appropriate, except when state law directs the Board itself to call the hearing. If the Board delegates scheduling authority, it must provide adequate guidance to assist staff members in exercising that authority.

**(b) Public Hearing Locations.** The Board may hold public hearings anywhere within Gaston County.

**(c) Notice of Public Hearings.** Any public hearing at which a quorum of the Board is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the Open Meetings Law, as set out in Rules 11 through 14, apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with the notice required by the Open Meetings Law.

**(d) Rules for Public Hearings.** Procedure outline for public hearing before the Board of Commissioners:

- Chair, or his or her designee, reads the subject as listed on the agenda;
- Appropriate staff person presents information related to subject;
- Chair calls on proponents to speak;
- Chair calls on opponents to speak;
- Chair asks for the recommendation of any other board which has considered the question, or for the recommendation of a committee or staff member, when applicable;
- Commissioners ask questions and discuss the subject;
- Motion, second, discussion, vote; and
- Chair announces the Board's decision.

All speakers must comply with the Rules of Decorum adopted by the Board in Resolution 2022-103.

\*NOTE: Although public hearings are held and advertised on the basis of all citizens being given an opportunity to be heard, the chair may use discretion in requesting a spokesman for a group and in putting a time limit on presentations and comments from the public. Citizens may address the Board members in public hearings provided the comments are directly related to the subject matter of the public hearing. Each speaker is allocated up to three (3) minutes to speak. However, the chair reserves the right to adjust the time limitation for individual speakers.

**(e) Continuing Public Hearings.** The Board may continue any public hearing without further advertisement to a time and place certain, 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), if a quorum of the Board is not present for a properly scheduled public hearing, the hearing must 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 the rules herein. 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 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.** Nothing in this rule prevents the Board from appointing a member or members to hold a public hearing on the Board's behalf, except when state law requires that the Board itself conduct the hearing.

## **Rule 37. Citizen Recognition**

**(a) Opportunity for Citizen Recognition.** The Board must provide at least one (1) opportunity for Citizen Recognition each month at a regular meeting.

**(b) Rules for Citizen Recognition.** Persons who wish to speak must register on the sign-up sheet located on the information desk inside the meeting room. Sign-up sheets will be available one (1) hour prior to the start of each meeting. Each speaker is allocated up to three (3) minutes to speak. No public comment period shall extend beyond one (1) hour. However, the chair reserves the right to adjust the time limitation for individual speakers or the overall time period as necessary for the efficient and effective conduct of business.

All speakers must comply with the Rules of Decorum adopted by the Board in Resolution 2022-103.

The chair, or presiding officer, has the authority to enforce the Rules of Decorum. Failure to obey these rules may result in the forfeiture of the remaining speaking time and possible criminal charges. Individuals who engage in egregious or repeated violations may be asked to leave the meeting. Speakers and members of the audience should note the following legal provision from N.C. General Statute § 143-318.17: "A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor."

**(c) Content-Based Restrictions Generally Prohibited.** The Board may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the Board's real or apparent jurisdiction.

## **Part XI. Appointments and Appointed Bodies**

### **Rule 38. Appointments**

**(a) Appointments in Open Session.** The Board must consider and make any appointment to another body or, in the event of a vacancy on the Board, to its own membership, in open session.

**(b)** The Board makes monthly appointments to appointed bodies in regular session. Appointments may also be made at special meetings provided the purpose of the special meeting has been properly noticed. The Clerk to the Board administers the Board's appointment process and manages the appointment system/database including applications, appointments, resignations, term expirations, vacancies, member attendance, and Board minutes.

**(c) Nominations and Voting Procedures for Appointed bodies.** Membership appointments to all boards and committees, established by the Board of Commissioners or by North Carolina General Statutes, are assigned to individual Board members or Townships unless otherwise designated as Full Board Appointments.

- **Voting procedures for Appointments assigned to the Full Board.** The chair shall open the floor

for nominations, whereupon board members may put forward and debate nominees. When debate ends, the chair shall call for a vote, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast during a single balloting.

- **Voting procedures for Appointments assigned to individual Board Members and/or Townships.** The chair shall recognize the appropriate Board member rather than opening the floor for nominations. The Board member puts forward his/her nominee for a vote by the full Board.

**(d) 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.

**(e) Vote by Written Ballot.** The Board may vote on proposed appointments by written ballot in accordance with Rule 30.

### **Rule 39. Committees and Boards**

**(a) Establishment and Appointment.** The Board may establish temporary and standing committees, boards, and other bodies to help carry out the work of county government. Unless otherwise provided by law or by a separate resolution by the Board, the power of appointment to such bodies lies with the board.

**(b) Procedural Rules.** The Board may prescribe the procedures by which the County's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. In the absence of rules adopted by the Board, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure and are approved by the Board of Commissioners.

**(c) Service Requirements.**

- *Gaston County Residency.* Members of appointed bodies must reside in Gaston County with the exception of federal/state/departamental or agency positions requiring representation. (Res. 2009-313).
- *Gaston County Employees.* No County employee is to serve on a BOC appointed body unless that body requires specified staff representation. County employees shall serve in an ex-officio/advisory/non-voting capacity on any advisory board to which they have been appointed. (Res. 2009-313).

**(d) Open Meetings Law.** Each Board-appointed body shall comply with North Carolina Open Meetings law. The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business.

**(e) Authority.** Unless otherwise required by statute or Board action, all appointed bodies shall serve in an advisory capacity to the Board.

## **Part XII. Miscellaneous**

### **Rule 40. Amendment of the Rules**

These rules may be amended at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with any relevant statutes and 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 41. Distribution of Written Material Requested by a Commissioner**

Written material requested by a Commissioner will be distributed only to the Commissioner requesting said material unless in writing the Commissioner directs that the material be sent to the other Commissioners. This rule applies to all requests made of the County Manager or anyone under his or her supervision.

### **Rule 42. 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 Rules*, the chair shall make a ruling on the issue subject to appeal to the Board under Rule 32 (Motion 1).

## **Part XIII. Policy Guidelines**

### **Rule 43. Board Code of Ethics**

#### Ethical Principles (Res. 1995-16)

The ethical County official should:

- Properly administer the affairs of the County.
- Promote decisions which benefit the general public interest.
- Actively promote public confidence in county government.
- Keep safe all funds and other properties of the County.
- Conduct and perform the duties of the office diligently and promptly dispose of the business of the County.
- Maintain a positive image to pass constant public scrutiny.
- Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public employees and associates.
- Maintain a respectful attitude toward employees, other public officials, colleagues, and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions, and other organizations in order to further the interest of the County.
- Faithfully comply with all laws and regulations applicable to the county and impartially apply them to everyone.

The ethical County official should not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence or attempt to influence other officials to act in his or her own benefit.
- Accept anything of value from any source which is offered to influence his or her action as a public official.

The ethical County official accepts the responsibility that his or her mission is that of servant and steward to the public.

Acceptance of gifts or favors by Board members or personnel directly or indirectly involved in recommending and/or procuring goods and services for the County:

No gifts or favors of any kind, including but not limited to meals and trips, are to be accepted from past, present, or potential vendors by employees, Board Members, or members of their immediate family. (G.S. 133-32).

This section is not intended to prevent a gift a public servant would be permitted to accept under G.S. 138A-32, or the gift and receipt of honorariums for participating in meetings, advertising items, or souvenirs of nominal value, or meals furnished at banquets.

On a case-by-case basis, the Board of Commissioners or County Manager may give written approval in advance for inspection trips or other informational trips at a vendor's expense.

Samples for evaluation, supplied free of charge by a vendor or potential vendor, may be accepted provided:

1. The County Manager is notified of their acceptance and is furnished a copy of the evaluation report;
2. No pressure, either direct or indirect, is brought on any supplier to provide such samples; and
3. All suppliers are given an equal opportunity to provide samples for evaluation.

**No public official shall participate in any matter involving:**

- The member's own financial interest or official conduct, though not if the proposal in question is one to alter the compensation or allowances paid to Board members.
- Making or administering a contract, including the award of money in the form of a grant, loan, or other appropriation, with any nonprofit with which that public official is associated. "Associated" is defined as serving in the role of director, officer, or governing board member but does not include any board, entity, or other organization created by the State of North Carolina or by any political subdivision. (G.S. 14-234).
- Any contract under which the member derives a direct benefit from a contract if the person or his or her spouse: (i) has more than a ten percent (10%) ownership or other interest in an entity that is a party to the contract; (ii) derives any income or commission directly from the contract; or (iii) acquires property under the contract. (G.S. 14-234(a1)(4)).

- A legislative decision regarding a development regulation . . . where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (G.S. 160D-109(b)).
- Any rezoning petition or applicant for a text amendment matters if the landowner of property subject to the matter is a person with whom the member has a close familial, business, or other associational relationship. (G.S. 160D-109(a)).

#### **Rule 44. Compensation of Commissioners**

Commissioners are paid a monthly salary determined by the Commissioners upon adoption of the budget ordinance. In addition to their monthly salary, Commissioners shall receive reimbursement for expenses incurred for in or out-of-state travel on Board of Commissioners business.

#### **Rule 45. Administrative Policy Guidelines**

The Board of Commissioners is the chief policy maker for Gaston County. The Board has delegated authority for the administration of County policies to the County Manager. Final approval of all policies relating to finance, budget, personnel, property, ordinance, and purchasing is reserved for action of the Board as a whole unless specifically delegated otherwise. Policy decisions and directions to the County Manager shall be communicated by the entire Board. No single member of the Board can provide direction on policy implementation to the County Manager or County staff.

The Board of Commissioners reserves the authority to approve the general policies and budgets of all County departments, but authorizes all department heads, including those who are elected, to administer departmental practices within the general or specific guidelines established by the Board.

#### **Rule 46 Fiscal Policy**

Accounting procedures must conform with the Local Government Budget and Fiscal Control Act. (G.S. Chapter 159, Part 3).

The chair and County Manager are authorized to get informal bids and employ as needed a firm providing internal management audit services. This shall not be the same firm providing the annual financial audit. (Res. 1983-023).

The County Manager is to secure bids for the annual audit and make recommendations. The Board will decide as to which outside audit firm will be selected. (Res. 1983-022).

#### **Rule 47. Distribution of County Business**

Purchasing and contracting shall be done with Gaston County firms whenever possible.

#### **Rule 48. Grants**

The Gaston County Board of Commissioners authorizes the County Manager to supervise the applications

for grants by County departments and agencies. Final approval for grant acceptance must be approved by the Board. (Res. 1997-208).

The County Manager shall present on a quarterly basis (or a more frequent basis as needed) to the Board a list of NEW grants for which the County or County agency is applying for and a list of grants that have expired or will soon expire. (Res. 94-286).

The actions of the County Manager are subject to final approval of the Board as a whole.

#### **Rule 49. Personnel**

The County Manager and the Human Resources Director have the authority to compile the personnel policies. The policies must be updated before being adopted by the Board and any amendments to the personnel policies must be approved by the Board. (G.S. 153A-94).

All Gaston County employees shall be notified of all proposed changes or modifications to Gaston County's personnel policies before such changes take effect. At the Board meeting during which personnel policy changes are scheduled to be considered, employees shall be given an opportunity to voice their concerns and make comments to the Board on the changes prior to a vote being taken on the personnel policy modifications. (Res. 1994-282).

#### **Rule 50. Use and Disposition of County Property**

The Board of County Commissioners has approved the use of County property for County business only.

The County Manager is authorized to declare surplus any County-owned personal property valued at less than \$50,000 in accordance with G.S. 160A-266, and may dispose of such property through any legal public or private exchange or sale so as to obtain fair market value. The County Manager shall maintain a record of the property disposed of under this authority. (Res. 2000-345).

Only the Board of Commissioners may approve the disposition of any County property valued at \$50,000 or more. All surplus property must be declared through the County Manager to the Board. The Board follows the N.C. General Statutes regarding the disposition of County property. (G.S. 153A-169, 176, 177, Article 8; G.S. 160A, Article 12).

#### **Rule 51. Taxing Procedure**

The Board of Commissioners is responsible for the establishment of property tax rates in Gaston County.

#### **Rule 52. Authorized Signature for Documents**

The County Manager is authorized to execute on behalf of Gaston County any and all contracts, agreements, leases, and other documents, after said has either been drawn up or approved by the County's legal staff, which the Board has previously set policies upon; directed the County Manager to accomplish work for the County; or authorized services or work to be performed in the annual budget. This authority is only extended to leases, agreements, etc., which have been budgeted in the annual fiscal year budget and also that said contract, lease, agreement, etc., shall not extend past the current fiscal year in which it was authorized unless prior approval is given by the Board. (Res. 1981-221).

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## Version Control Table

BOC APPROVAL DATE	RESOLUTION	CHANGE DESCRIPTION
3/28/2023	2023-089	Adoption of Procedures
4/25/2023		Technical Correction to add TOC, Appendix and correct section numbering.



# Gaston County

Gaston County  
Board of Commissioners  
www.gastongov.com

## County Attorney

## Board Action

File #: 23-068

Board of Commissioners - County Attorney - To Approve a Resolution Adopting the Procedures of the Board of Commissioners

### STAFF CONTACT

Bill Stetzer, County Attorney

### BUDGET IMPACT

N/A

### BUDGET ORDINANCE IMPACT

N/A

### BACKGROUND

The Board of Commissioners felt it was prudent and necessary to conduct a comprehensive review of the Board's Procedures for consistency with current laws, County ordinances and policies, best practices, and organizational philosophy. The County Attorney and County Clerk were directed to conduct a review of the current procedures along with the School of Government's Suggested Rules of Procedure for County Commissioners. Each Commissioner was provided a copy of the subsequent revisions of the Procedures for initial comments and the final suggestions and revisions were submitted to the Board for review.

### POLICY IMPACT

Board Organization and Procedures Update

### ATTACHMENTS

Resolution / Draft Board Procedures

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	CCloninger	AFraley	BHovis	KJohnson	TKeigher	RWorley	Vote
2023-089	03/28/2023	BH	TK	A	A	A	A	A	A	A	U

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