

TOWN COUNCIL POLICIES AND RULES OF PROCEDURE

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Table of Contents

Code of Conduct and Commitment to Ethics	4
Rule 1 Regular Meetings	6
Rule 2 Special, Emergency, Recessed, Rescheduled or Postponed Meetings	6
Rule 3 Organizational Meeting	8
Rule 4 Agenda	8
Rule 5 Public Input to the Council	12
Rule 6 Order of Business	15
Rule 7 Office of the Mayor	16
Rule 8 Office of Mayor Pro Tempore	16
Rule 9 Public Records	17
Rule 10 Action by the Council	17
Rule 11 Second Not Required	18
Rule 12 One Motion at a Time	18
Rule 13 Adoption by Majority Vote	18
Rule 14 Voting by Written Ballot	18
Rule 15 Remote Participation	18
Rule 16 Discussion/Debate	19
Rule 17 Ratification of Actions	20
Rule 18 Procedural Motions	20
Rule 19 Meeting Rules and Procedures During a State of Emergency	22
Rule 20 Withdrawal of Motion	23
Rule 21 Duty to Vote	23
Rule 22 Introduction of Ordinances	23
Rule 23 Adoption of Ordinances and Approval of Contracts	23
Rule 24 Adoption of the Budget Ordinance	24
Rule 25 Request for Ceremonial Documents	24
Rule 26 Closed Sessions	28
Rule 27 Quorum	30
Rule 28 Public Hearings	30
Rule 29 Quorum at Public Hearings	30
Rule 30 Minutes	31
Rule 31 Appointments	31
Rule 32 Committees and Boards	31
Rule 33 Amendment of the Rules	32
Rule 34 Reference <i>Robert's Rules of Order Newly Revised</i>	32

APPENDIX

1 Summary of Motions	35
2 Social Media Policy	37
3 Rules of Procedure Changes	40

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Code of Conduct and Commitment to Ethics

Purpose: The purpose of this policy is to establish guidelines for an ethical standard of conduct for the duly elected Council of the Town of Morrisville, and to help those elected officials determine what conduct is appropriate in particular cases.

Section 1. Council Members shall obey all laws applicable to their official actions as members of the Council. Council Members shall be guided by the spirit as well as the letter of the law in what they do. At the same time, Council Members shall feel free to assert policy positions and opinions without fear of reprisal from fellow Council Members or community members. To declare that a Council Member is behaving unethically because one disagrees with that Council Member on a question of policy (and not because of the Council Member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Section 2. Council Members shall act with integrity and independence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Behaving consistently and with respect toward everyone with whom they interact;
- Exhibiting trustworthiness;
- Using their best independent judgment to pursue the common good as they see it, and presenting their opinions in a reasonable, forthright, consistent manner;
- Remaining incorruptible and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others;
- Treating other Council Members and the public with respect and honoring the opinions of others even when the Council Member disagrees with those opinions;
- Not reaching conclusions on issues until all sides have been heard;
- Recognizing that they are part of a larger group and acting accordingly; and
- Recognizing that individual Council Members are not generally allowed to act on behalf of the Council but may only do so if Town Council specifically authorizes it, and that Town Council must take official action as a body.

Section 3. Council Members shall avoid impropriety in the exercise of their official duties. Their official actions shall be above reproach. If a Council Member believes that his or her actions, while legal and ethical, may be misunderstood, the Council Member shall seek the advice of the Town's Attorney and shall consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4. Council Members shall faithfully perform the duties of their offices. They shall act as responsible community members whom others can trust and respect. They shall set a good example for others in the community, keeping in mind that trust and respect must continually be earned. Council Members shall faithfully attend and prepare for meetings.

Council Members shall endeavor to keep up to date, through the Town Attorney and other sources, about new or ongoing legal or ethical issues they may face in their official positions. They shall carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They shall demand full accountability from those over whom the Council has authority.

Council Members shall be willing to bear their fair share of Town Council's workload. To the extent appropriate, they shall be willing to put Town Council's interests ahead of their own.

Section 5. Council Members shall conduct the affairs of the Town Council in an open and public manner. They shall comply with applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They shall remember when they meet that they are conducting the public's business.

In order to ensure strict compliance with the laws concerning openness, Council Members shall endeavor to create an environment of transparency and candor at all times in the governmental unit. They shall direct staff to cooperate in responding to public records requests. They shall take steps to make certain that closed sessions held by the Council are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

Section 6. Council Members agree to abide by the adopted Town Council Policies and Rules of Procedure including this Code of Conduct and Ethics, the Social Media Policy, and other applicable policies that may be adopted by Town Council in the future.

Section 7. The Code of Conduct and Commitment to Ethics will be reviewed annually during the Council retreat (or no later than the first February Council meeting in the event a retreat is not held) and such review will be documented in the meeting minutes, and by acknowledgement form, maintained on file in the Town Clerk's office. The acknowledgment form will denote the policy version being reviewed at that time. Council Members may elect to individually acknowledge the Code of Conduct and Commitment to Ethics to express their commitment to this policy.

Rule 1. Regular Meetings

The Town Council shall hold regular meetings on the second and fourth Tuesday of each month, except that if a regular meeting day is a legal holiday or conflicts with a professional conference that the majority of Council Members wish to attend, the meeting shall be held on the previous Monday or on Wednesday or Thursday of the same week at the discretion of Town Council.

The meetings shall be held at the Town Hall Council Chambers unless Council elects to hold a meeting at another location in the community or Council Chambers are unavailable, in which case Town Council shall work with staff to identify an alternative location with any such change in location duly advertised. All meetings shall begin at 6:00 p.m.

A copy of Town Council's current meeting schedule shall be filed with the Town Clerk. No other meetings shall be set outside of the guidelines of this Rule or Rule 2.

Rule 2. Special, Emergency, Recessed [or Adjourned], Rescheduled, or Postponed Meetings

(A) Special Meetings. The Mayor, the Mayor Pro Tempore, or any two members of Town Council may at any time call a special Town Council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered.

- (1) At least forty-eight (48) 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 each Council Member via email to the email addresses on file with the Town Clerk. Should notice of receipt not be received, then a printed notice shall be left at their usual dwelling place; (2) posted at the door of Town Council's usual meeting room; 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 Town Clerk.
- (2) A special meeting may also be called or scheduled by a vote of Town Council in open session during another duly called meeting. The approved motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose.
 - (a) At least forty-eight (48) hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted at the door of Town Council's usual meeting room; 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 Town Clerk (G.S. §143-318.12(b)(2)).
 - (b) Such notice shall also be emailed or delivered at least forty-eight (48) hours before the meeting to each Council Member not present at the meeting at which the special meeting was called or scheduled.

- (c) Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner, unless all members are present and agree or those not present have signed a written waiver of notice, and Town Council determines in good faith at the meeting that it is essential to discuss or act on a different or additional item(s) immediately.

(B) Emergency Meetings. Emergency meetings of Town Council may be called only because of generally unexpected circumstances that require immediate consideration by Town 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 Town Council.

- (1) The Mayor, the Mayor Pro Tempore, or any two Council Members may at any time call an emergency Town Council meeting by signing a written notice stating the time and place of the meeting and the subject(s) to be considered. The notice shall be delivered to each Council Member or left at their usual dwelling place at least six hours before the meeting.
- (2) An emergency meeting may be held at any time when all members of Town Council are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if Town Council complies with the notice provisions of the next paragraph.
 - (a) 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 Town Clerk (G.S. §143-318.12(b)(3)).
 - (b) This notice shall be given either by telephone or by the same method used to notify Council Members and shall be given at the expense of the party notified.

(C) Recessed Meetings. A properly called regular, special, or emergency meeting may be recessed 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. No further notice need be given of a recessed (or adjourned) session of a properly called regular, special, or emergency meeting (G.S. §143-318.12(b)(1)).

(D) Rescheduled or Postponed Meetings. During the period between regularly scheduled meetings, Town Council may reschedule or postpone a regular meeting by submitting a written notice or email to the Town Clerk and Town Manager stating the time, place and reason for the rescheduled meeting. Such action may be initiated by any Council Member, but a majority of Town Council must submit a confirming notice or email to the Town Clerk and Town Manager in order for the action to be effective. Such action must be taken at least 72 hours prior to the originally scheduled meeting time.

- (1) Upon receipt of such notice by a majority of Town Council, the Town Clerk and Town Manager shall take the necessary steps to (1) notify each Council Member of the rescheduled meeting, (2) post a notice of the rescheduled meeting on the Town's website and on the door of Town Council's usual meeting room, and (3) notify each person, newspaper, wire service, television or radio station who has filed a written request with the Town Clerk for notice of Town meetings.
- (2) Such notices shall be posted or mailed at least 48 hours prior to the rescheduled meeting time (G.S. §143-318-12(b)(1)). To the extent practical, the Town Clerk and Town Manager shall also notify by phone or email those persons having business on the agenda that the meeting has been rescheduled.

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 Town Council, the newly elected members shall take and subscribe the oath of office as the first order of new business. As the second order of new business the Town Council shall elect a Mayor Pro Tempore. 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) Draft Agenda.** The Town Manager shall prepare a draft agenda for each meeting. 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 both documents shall be available for public inspection and distribution or copying no later than the day following when they are 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 (if necessary) the proposed agenda and adopt an agenda for the meeting (motions to add items to the agenda do not require a second). If items are proposed to be added to the agenda of a meeting, Town 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.

Town Council may, by majority vote, add items to or subtract items from the proposed agenda, except that:

- (1) Town 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;

- (2) Town Council may not add items to the proposed agenda stated in the notice of a special meeting called by the Mayor, Mayor Pro Tempore, or two Council Members, unless all members are present, or those who are absent sign a written waiver of notice; and
- (3) Only business connected with the emergency may be considered at an emergency meeting. The Council may add items to the proposed agenda of a special meeting only if it determines in good faith at the meeting that it is essential to discuss or act on the additional item(s) immediately.

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

Council members may, by vote or consensus, request or direct staff to include an item(s) on a future agenda during an official meeting. Individual requests from Council Members are considered through Town Council Roundtable submissions as outlined in Rule 4(e) Monthly Roundtable.

- (C) Consent Agenda.** Town 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, routine, and/or do not require deliberation or discussion. Any Council Member may remove an item from the Consent Agenda and place it on the Regular Agenda while the Consent Agenda is being discussed and revised prior to its adoption. All items on the Consent Agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote with each individual item.
- (D) Work Sessions.** Selected work sessions will be scheduled as approved in the Town Council meeting calendar. Work Sessions provide an opportunity to Town Council to receive major project or work item updates, discuss policy issues not ready for a vote, and/or provide guidance to staff on next steps on the related topic. Work sessions are non-voting meetings and items requiring a vote will not be scheduled during a work session. Discussion is geared toward consensus rather than formal action, i.e. directing staff to develop a Briefing Item to formalize information or provide direction for official action. Work session topics may include, but are not limited to, Town Council roundtable, work initiative presentations and progress reports, major projects and initiatives, comprehensive updates, strategic planning, capital investment planning, and budget/financial planning topics.
 - (1) In-meeting work sessions may be included on the agenda after other work(other than Closed Sessions) is completed and may be formal/informal only if very short in duration or time sensitive to address immediate needs. Any materials prepared for a Work Session will be made available to Town Council and the public before or during the meeting and linked to the agenda as soon as possible.

- (2) Work Sessions are flexible in length, at the discretion of Town Council, and may be continued or deferred to accommodate time constraints, or other agenda management workload as needed. Work Sessions will be limited to no more than two per meeting unless there are time-sensitive topics. Additional or other special work sessions may be scheduled during the year outside of the adopted meeting schedule as needed.

(E) Town Council Roundtable. Time set aside to discuss individual items of interest. Council members will provide suggested discussion topics for discussion by all Council Members. Council Members may, but are not required to, provide items. Support materials are optional, but staff work should not be required in advance of the introduction of a roundtable topic.

Discussion outcomes could include:

- (1) Council support for continued review/discussion,
- (2) Request for staff support and/or additional information,
- (3) Referral to staff for action/follow up, or
- (4) Deferral of action/discontinued action.

Consensus of a majority of all Council Members (at least four members) is required to move an item forward for briefing, official work session, or presentation. Items referred to staff will be coordinated and scheduled into the work program by the Town Manager. Roundtable item status will be monitored, tracked and reported to Town Council on a periodic basis, no less than quarterly.

(F) Briefing Schedule. A standard schedule to review briefing items brought forward has been established to allow appropriate time for Town Council to consider and discuss policy decisions and action items. The standard schedule is for planning and code of ordinance items to be briefed twice before voting on them. Occasionally, items will need to be expedited and briefed only once before being considered for a vote at the next business meeting or may be extended to allow for additional discussion and presentation of information. Town Council may adjust the voting schedule for any item at their discretion if all discussion is complete or by majority vote. Some matters requiring review and approval are routine and do not require considerable time for deliberation and may be considered for a vote at the next or same meeting the briefing item is introduced.

The three schedules are outlined below:

- (1) Schedule 1: Brief twice – vote once (three meetings)
 - (a) Policy setting or amendment;
 - (b) Major budget matters;
 - (c) Project approvals;
 - (d) Studies; or

- (e) Items not otherwise listed for Schedule 2 or 3.
- (2) Schedule 2: Brief once – vote once (two meetings)
 - (a) Committee appointments;
 - (b) Committee Charter amendments;
 - (c) Formal contracts related to approved projects;
 - (d) Any development application approved by Town Council not requiring a public hearing per the UDO or Administrative Manual;
 - (e) Street lighting requests (if compliant with Town Street Lighting Policy and meets all ordinance requirements); or
 - (f) Other regular business.
- (3) Schedule 3: No Briefing required (one meeting)
 - (a) Wake County Tax Reports;
 - (b) Street acceptances;
 - (c) Routine budget amendments;
 - (d) Staff appointments;
 - (e) Consent Agenda;
 - (f) Approval of meeting minutes; or
 - (g) Non-controversial, administrative, or routine items.

Rule 5. Public Input to Town Council

Town Council believes in a fair process for individuals that are interested in presenting suggestions, comments or other thoughts. Public input is vital to the function of Town governance and the Town encourages a wide variety of input for fair representation during decision making, which enables educated leadership and a better decision-making process. Public input helps ensure that Town Council is aware of community member feedback and perspective on the budget, specific projects, and the operations of the Town.

(A) Definitions:

- (1) **Public Comment** refers to specific time during Town Council meetings during which general public comment may be submitted to Town Council for items that do not appear on the meeting agenda. Items that already have a public hearing scheduled on the agenda will not be discussed during public comment. This will be reflected on the Council meeting agenda as “Morrisville Speaks: Public Comment.”
- (2) **Public Hearing Input** refers to specific time during Town Council meetings when public input on a specific agenda item may be submitted to Town Council through a hearing.. This will be reflected on the Council meeting agenda as “Public Hearing.”

Public Hearing Input may come through a Public Hearing session mandated by North Carolina General Statutes or through a Public Hearing session initiated by Council to gather additional input from the community on a specific item.

- (3) **Online Public Input** is an opportunity for community members that cannot attend a Town Council meeting in-person to still offer feedback for Public Comment or Public Hearing items on a Town Council agenda.
 - (a) Online Public Input is accepted from the time the meeting agenda is posted to the community up until 3 hours prior to the start of a meeting. Submitters are asked to provide their name and full address (including city or town) to verify residency if necessary.
 - 1) If a community member submits Online Public Comment after 3:00 pm the day of a Council meeting, they will be informed that they will need to resubmit their input for the next Council meeting if they would like it read in a Council meeting.
 - 2) Community members will be provided guidance (via the Town website) for input that differentiates between input intended to be read at a Council meeting (sent to publicinput@morrisvillenc.gov) or input intended to ask a question of or inform Council Members of information but not intended to be read at a Council meeting (sent to towncouncil@morrisvillenc.gov).
 - (b) After Online Public Input is received, so long as it was within the window of time identified above, the Town Clerk will provide the submitter’s name and address, and will read the Online Public Input into the record for up to three minutes (to be consistent with in-person speakers).

The entire Online Public Input will be provided to Town Council regardless of when it was received (see below).

- (c) A full hard copy of any Online Public Input received by the posted timeline the day of a meeting will be provided at each Council Member's seat prior to the start of the meeting. All Online Public Input will be forwarded electronically after the meeting to all Council Members (including those that were not in attendance at the meeting).

(B) Procedures:

(1) Sign-Up

- (a) Persons wishing to speak during Public Comment, or Public Hearing Input are asked to sign up prior to the meeting and provide all required information, including physical residence street or business address, including city, and indicating whether they are a resident of or a business owner in Morrisville. There are no residential limitations to speakers addressing Town Council.
- (b) The Public Input sign-up period will begin at 12:00 p.m. the day of each meeting. The sign-up period will end at the beginning of the agenda item immediately prior to Morrisville Speaks: Public Comment on the agenda. At the appropriate time during the meeting, the Mayor (or the presiding Council Member in the Mayor's absence) will acknowledge those who have signed up to speak and they will be called upon in the order they signed up. Speakers will direct their comments to the Town Council as a whole, not to an individual Council Member(s) or the audience, from the designated microphone stand and will begin their remarks by stating their name and address. It is also at the discretion of the Mayor (or the presiding officer) to allow others in the audience who did not sign up to speak.

(2) Time Allotment:

- (a) Public Comment will be limited to a maximum of 30 minutes for the entire comment period, unless an exception is granted by the Mayor or by Council Member consensus. If the time period runs out before all persons who have signed up to speak have an opportunity, those names will be carried over to the Public Comment session at the next scheduled meeting.

Public Comment will be scheduled to occur after consideration of the Consent Agenda and Proclamations.

- (b) Public Hearing Input will be limited to 20 minutes for those in favor and 20 minutes for those in opposition at each meeting, unless an exception is granted by the Mayor or by Council Member consensus. Note that one Public Hearing Input session may be continued through several meetings and speakers may present only once unless authorized for additional feedback by Council Member consensus.

- (c) In lieu of waiting for the next meeting to speak, those wishing to share their feedback with Town Council may also submit their feedback via the Online Public Input option identified in this policy.
- (d) Only one speaker will be acknowledged at a time. Individual comments are limited to three minutes unless otherwise stated by the Mayor.

(3) Groups of speakers

- (a) The spokesperson for a group may be permitted to speak up to six minutes at the discretion of Town Council. The group and authority of the spokesperson shall be identified by the speaker.
- (b) A delegate may be selected from a group of individuals supporting/opposing positions when a number of people wishing to attend a public hearing exceeds the capacity of the Council Chambers. Advance arrangements must be made to accommodate those not able to listen to the Public Hearing from within the Council Chambers.

(4) Protocol

- (a) Speakers offering comments may ask questions. Town Council will not generally answer questions during Public Input, but may refer questions to staff for response or follow-up.
- (b) Speakers who have prepared written remarks and supporting documents for presentation are required to leave a copy of any documents presented with the Town Clerk.
- (c) Those who do not wish to speak but would like to submit comments are encouraged to do so. These comments will be read aloud as outlined in section (A)(3) above. These documents will become a public record.
- (d) Speakers requesting audio visual display of any information must request the ability to do so and provide information no later than 24 hours prior to the start of the meeting from the Town Clerk to accommodate setup and testing prior to the start of the meeting. Town Council has the ability to grant or deny a request at their discretion.
- (e) Should a speaker submit Online Public Input and then elect to speak during Public Comment or Public Hearing Input, their Online Public Input will not be read in the meeting but will be provided to Council.
 - 1) If the speaker's Online Public Input is on a different topic, the speaker will have the opportunity to address that topic as well as their in-person comment if they do not exceed the three-minute time limit.

- 2) If the speaker does not have the time or elects not to address their Online Public Input topic during their in-person comment, they will have to resubmit the Online Public Input topic at a future meeting in order to have it read in the meeting.
- (5) Courtesy
 - (a) Speakers shall be courteous in their language and presentation. Disrespectful, unprofessional, hateful or potentially inciting or dangerous language will be stopped, and the speaker may be escorted from the building.
 - (b) The Mayor is authorized to determine when a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground. Council members may request the Mayor to intervene, if necessary.
 - (c) Members of the public are asked to refrain from applauding and speaking out from the audience.
- (6) Public Input is not the only opportunity to address Town Council; Town Council strongly encourages community members to directly contact Council Members and/or Town staff with any questions or comments. Town Council may be contacted as a group by e-mailing TownCouncil@morrisvillenc.gov. Town staff may be contacted by emailing information@morrisvillenc.gov.

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 meeting shall generally be as follows:
 - (1) Call to Order
 - (2) Invocation
 - (3) Pledge of Allegiance
 - (4) Adoption of Agenda
 - (5) Consent Agenda
 - (6) Proclamations
 - (7) Morrisville Speaks: Public Comment
 - (8) Presentations
 - (9) Public Hearings
 - (10) Action Items
 - (11) New Items
 - (12) Future Meetings and Events
 - (13) Council and Manager Comments
-

- (14) Work Session (if scheduled)
 - (15) Closed Session (if scheduled)
 - (16) Adjournment
- (B) By general consent of the Town Council, items may be considered out of order, added to the agenda, or postponed due to the length of the meeting.
- (C) Town Council will break periodically during a meeting between agenda items or to move into an informal work session as determined by the length of the meeting. In general, a break will generally occur approximately 90 minutes into a meeting, if not before.

Rule 7. Office of Mayor

- (A) The Mayor shall review all draft meeting agendas and return same with comments and amendments prior to the Town Clerk publishing and posting the proposed agenda.
- (B) The Mayor shall preside over all meetings of the Town Council and shall have the right to vote on all matters.
- (C) The Mayor (or other presiding officer) shall have the following powers:
- (1) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
 - (2) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
 - (3) To entertain and answer questions of parliamentary law or procedure;
 - (4) To call a brief recess at any time; and
 - (5) To adjourn in an emergency.
- (D) A decision by the presiding officer under (A), (B), or (C) may be appealed to the full Town Council upon motion of any Council 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

- (A) At the organizational meeting, the Council shall elect from among its members a Mayor Pro Tempore to serve at the Town 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 Town Council may confer on the Mayor Pro Tempore any of the powers and duties of the Mayor.

- (B) If the Mayor should become physically or mentally incapable of performing the duties of his or her office, the Town Council may by unanimous vote declare that they are incapacitated and confer any of their powers and duties on the Mayor Pro Tempore. When a Mayor declares that they are no longer incapacitated, and a majority of the Town Council concurs, the Mayor shall resume the exercise of their powers and duties.
- (C) If both the Mayor and Mayor Pro Tempore are absent from a meeting, the Town Council may elect from among its members a temporary presiding officer.
- (D) For purposes of these Meeting Rules of Procedure, the title of Mayor Pro Tempore may be substituted for Mayor, in the absence of the Mayor.

Rule 9. Public Records

- (A) Public records are any records made or received in the transaction of public business. Types of forms or records include, but are not limited to, documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics. It is the content of the record, not its location, that determines whether it is a public record (G.S. § 132-1).
- (B) All communication to and from Town Council members, individually and collectively, are subject to public records laws, including e-mails and text messages (G.S. § 132-6). The Town's e-mail archive system complies with public records retention guidelines and can capture historical e-mail communications, including draft and deleted e-mails to comply with public records requests.
- (C) Town Council members are subject to compliance with requests to provide public records from personal e-mail accounts and phone accounts, including text messages.
- (D) Exceptions to release of public records include confidential matters such as personnel, trade secrets, law enforcement recordings, and other matters covered under attorney-client privilege. Calling a record "confidential" for the sole purpose of avoiding disclosure does not fulfill the confidentiality requirement.
- (E) Destroying or deleting public records is a Class 3 misdemeanor punishable by a fine (G.S. § 132-3).

Rule 10. Action by the Council

Town Council shall proceed by motion, except as otherwise provided for in Rule 4 and in Rule 31. Any Council Member may make a motion.

Rule 11. Second Not Required

Motions require a second.

Rule 12. One Motion at a Time

A Council Member may make only one motion at a time.

Rule 13. Adoption by Majority Vote

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

See Rule 23 concerning the number of votes necessary to adopt an ordinance or approve a contract. Other extraordinary voting requirements imposed by particular statutes are not specified in these rules. The Town Attorney should be consulted as questions arise.

Rule 14. Voting by Written Ballot

Town 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 meeting shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the Town 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 15. Remote Participation

- (A) Members of Town Council may remotely participate in meetings in limited circumstances. Council members must provide written notice to the Town Clerk and/or Town Manager (e-mail or text messaging is acceptable) of the need for remote participation at least 24 hours prior to the start of the meeting to allow for necessary arrangements by staff, unless advance notice is impractical. The Town Manager will promptly notify the Mayor of the remote participation.
 - (1) Council members can remotely participate in up to two business meetings within one calendar year. Any further remote participation shall only be allowed upon a majority vote by the Town Council.
 - (a) Remote participation is intended to be reserved for unavoidable absences by Council Members. The intent of Town Council is to be present in-person for each meeting whenever possible to maximize the efficiency of the meeting and the value of the discussions held and actions taken.
 - (b) Remote participation will not be allowed solely for the convenience of a Council Member or merely to avoid attending one or more particular meetings.

- (2) Council Members may also participate remotely in work sessions for the same reasons noted in Section 1 above in accordance with remote participation guidelines. Remote participation in work sessions will not be counted against the two meeting limitation. Staff is responsible for tracking all Council Member attendance and remote participation.
- (3) Council Members participating remotely in a meeting are asked to log on remotely at least 20 minutes prior to the start of the meeting to ensure the technology is functioning correctly to allow their active participation.
- (4) At the start of the meeting, the Mayor shall announce that a Council Member is participating in discussion and deliberation remotely and will acknowledge that the remote Council Member does not count toward quorum and cannot vote while participating remotely. The Council Member will identify themselves for the record.
- (5) The Town Clerk shall list the Council Member as participating remotely. The Council Member participating remotely may participate in discussion on any agenda item but may NOT make motions, nor participate in voting during the meeting. The Council Member's remote participation shall not count toward the quorum requirement. Absent a quorum of Council Members participating in-person, remote participation will NOT be allowed.
- (6) Remote participation will be allowed only during Open Session. Remote participation shall NOT be allowed during quasi-judicial hearings or Closed Sessions.
- (7) A Council Member participating remotely who is leaving the meeting before it is adjourned or rejoining the meeting after a period of absence shall notify the Town Clerk and/or Town Manager, who will promptly notify the Mayor.
- (8) The Council Member participating remotely must ensure they can be fully and clearly heard by other Council Members and those in attendance of the official meeting. Use of telephone, internet, or satellite-enabled audio/video conferencing, or any other technology enabling the remote participant and those present at the meeting to clearly communicate with one another is required. If clear audio is not available, a majority of the Council Members present may vote to end the remote participation.

Text messaging, instant messaging, email, and web chat without audio are NOT acceptable means of remote participation.

Rule 16. Discussion/Debate

- (A) The Mayor, or other presiding officer, may state the motion and then open the floor to debate on it.
- (B) The Mayor shall preside over the debate according to the following general principles:
 - (1) The maker of the motion is entitled to speak first;

- (2) Council Members shall wait to be recognized by the Mayor before speaking;
- (3) A Council Member who has not spoken on the issue shall be recognized before one who has already spoken;
- (4) Council Members shall refrain from interrupting or engaging in individual discussion/debate;
- (5) Council Members shall strive to advance deliberations through collective input and inquiry into debate and discussion.

Rule 17. Ratifications of Actions

To the extent permitted by law, Town 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.

The procedural motions are summarized in table form in the appendix. Note that the appended table is intended only to provide a quick reference guide to the motions; this rule and its comments should be consulted for a discussion of how each procedural motion is used.

- (B) Order of Priority of Motions.** In order of priority (if applicable), 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 their remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the full Town Council, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The Council 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. This motion may be made only at the conclusion of Town Council consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess to a time and place certain shall also comply with the requirements of Rule 2(c).

Motion 3. To Take a Brief Recess. Any Council Member can request a recess and the presiding officer can recess the meeting at will.

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. Town Council may not suspend provisions of the rules that state requirements imposed by law on Town Council. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the council, excluding seats.

Motion 6. To Go into Closed Session. Town 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 during an open meeting. If the motion is based on 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 a vote of a majority of those present and voting. Town Council shall terminate the closed session by a majority vote.

Motion 7. To Leave Closed Session.

Motion 8. To Divide a Complex Motion and Consider It by Paragraph.

Motion 9. To Postpone Consideration. Town Council may postpone 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 or else move to suspend the rules (Rule 18(b), Motion 5).

Motion 10. Motion for the Previous Question. This 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.

Motion 12. To Amend. An amendment to a motion must be pertinent to the subject matter. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. During discussion of a motion, should the Town Council, by consensus, determine that a friendly amendment is in order, the presiding officer shall ask the members who made and seconded the motion to agree to the friendly amendment and upon agreement the Town Council shall continue debate considering the amended motion.

Motion 13. To Reconsider. Town 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 “nays” prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess 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.

Rule 19. Meeting Rules and Procedures During a State of Emergency

During periods covered by a State of Emergency declared as outlined in N.C.G.S. 166A-19.20 that interferes with or makes regular meetings of Town Council in person not practical, the Town Council may by simple majority vote suspend Town Council Policies and Rules of Procedures to facilitate continuation of local government business. All Open Meetings and Public Notice requirements for meetings remain in effect during a State of Emergency. Specific Rules that may be suspended include, but are not limited to the following (Authority provided under S.L. 2020-3, SB 704/May 4, 2020):

Rule 4 – Agenda: Any portion of an agenda and/or the order of the agenda may be modified or deleted to facilitate the efficient management of the Town’s business.

Rule 5 – Public Address Procedures: In lieu of a 30-minute Public Comment period as part of a regular meeting or Online Public Input availability, Public Comment may be accepted in alternative forms of communication timing and delivery, including written comments that are summarized or read as a part of as the meeting. If summarized during the meeting, the full context of each Public Comment will be provided to each Council Member and will be preserved as a part of the meeting record.

Public Hearings may or may not be conducted by virtual meeting at the discretion of Town Council. In the event a Public Hearing is necessary, all public notice requirements will be complied with and any Public Hearing opened during this time must be continued to the next regularly scheduled meeting for action, and must remain open for 24 hours post-meeting to allow for written comments to be received.

Rule 6 – Order of Business: Any portion of an agenda and/or the order of the agenda may be modified or deleted to facilitate the efficient management of the Town’s business.

Rule 13 – Adoption by Majority Vote: If a meeting is conducted virtually, a majority of Council Members participating in the virtual meeting will be considered an official vote. All votes conducted during a virtual meeting must be conducted by roll call vote.

Rule 15 – Remote Participation: Provisions for remote participation can be waived. All council members may participate remotely as a part of a virtual meeting. Limitations on the number of meetings, written notice or a specific circumstance of participating remotely will not be required.

Council members may vote on any item of business included on the agenda.

Rule 24 - Adoption of the Budget Ordinance: A regular meeting of Town Council to adopt the budget ordinance, including the public hearing, may be conducted virtually. All other sections of the Rule will remain in effect.

Rule 27 – Quorum: A quorum of Town Council shall be established through roll call at the beginning of a virtual meeting. All other sections of the Rules will remain in effect.

Meeting rules established in Rule 19 during a State of Emergency will be in effect upon adoption of this Rule and upon any declaration of a State of Emergency. Upon the expiration of a State of Emergency, provisions of this rule will cease to be in effect.

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 Council Member must vote unless excused by the remaining Council Members according to law. A Council Member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining Council Members. No Council Member shall be excused from voting except upon matters involving the consideration of their own financial interest or official conduct. In all other cases, a failure to vote by a Council Member who is physically present in the Council Chambers, or who has withdrawn without being excused by a majority vote of the remaining Council Members present, shall be recorded as an affirmative vote.

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 Town Council.

Rule 23. Adoption of Ordinances and Approval of Contracts

Generally, an affirmative vote equal to a majority of all the Council Members not excused from voting on the question in issue 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 Town. A simple majority vote requires an affirmative vote from at least four of the seven Council Members.

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 Town Council, excluding vacant seats. A two-thirds vote (a “super majority”) requires an affirmative vote from at least five of the seven Council Members. 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

- (A) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular meeting of the Town Council by a simple majority of those present and voting, a quorum being present;
- (B) No action taken with respect to the adoption or amendment of the budget ordinance needs to be published or is subject to any other procedural requirement governing the adoption of ordinances or resolution by the Town Council; and
- (C) 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 Town charter or local act concerning initiative or referendum.
- (D) During the period beginning with the submission of the budget to the Town Council and ending with the adoption of the budget ordinance, the Town Council may hold 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 concerning the call of special meetings applies during that period so long as (a) each Council Member has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule does not allow, and may not be construed to allow, the holding of closed meetings by the council if it is otherwise prohibited by law from holding such a meeting.

Rule 25. Request for Ceremonial Documents

(A) Proclamations

- (1) A “Proclamation” is a ceremonial document issued by the Town Council that may be used to formally recognize and celebrate the extraordinary achievements of Town community members, staff, and non-profit organizations, to honor occasions of importance to the community, and to increase public awareness of issues with the hope of improving the well-being of the members of the Morrisville community.
- (2) The Town Clerk’s Office will facilitate the receipt of proclamation requests and will address them in accordance with this policy. All requests will be reviewed on a case-by-case basis and only those requests that are compliant with the guidelines established in this Rule will be honored.

(3) Requests for proclamations:

(a) Proclamation request deadlines:

- 1) Requests from outside the organization shall be received no less than 30 days prior to the requested meeting date for presentation to ensure time for review and follow-up as necessary.
- 2) Requests from Town Advisory Boards/Committees or affiliated members shall be received no less than 30 days prior to the requested meeting date for presentation to ensure time for review and follow-up as necessary.
- 3) Staff and Council requests should be received no less than 12 days prior to the requested meeting date for presentation to ensure they are included in the agenda process.

(b) Only one proclamation per year may be requested per organization. Requests may not be duplicated.

(c) Proclamations will not be backdated and must be requested for a prospective event or acknowledgement.

(d) Recurring requests:

- 1) Annual or other repeat requests from outside the organization must be submitted in writing for each occasion in accordance with established guidelines. There is no guarantee that proclamations will automatically be renewed.
- 2) Town staff will establish a schedule to recognize recurring holidays, themes, or events annually.

(e) Proclamation requests will not be considered in the following categories:

- 1) Matters that would require taking a position (or appearing to take a position) on a political issue or campaign;
- 2) Matters that involve issues of personal conviction;
- 3) Matters that involve promoting a specific religion (as opposed to a culture);
- 4) Matters that are reasonably expected to create or contribute to controversy; or
- 5) Matters that advertise commercial purposes.

(f) The Town reserves the right to accept, modify, or decline any request regardless of whether it was previously accommodated.

(4) Issuance of proclamations:

(a) Approved proclamations will be presented according to the following guidelines:

- 1) Proclamations requested by Council Members or staff recognizing events or recognizing individuals or entities other than Town staff will be read aloud in the meeting and may be presented if a recipient is present.

- a) Proclamations requested by a Council Member will be read by that Council Member.
- b) Proclamations not requested by a Council Member will be read on a rotating basis among Council Members. The Town Clerk will track this rotation. Council Members may decline the opportunity to read a proclamation in a meeting.
- c) Proclamations related to a Town event may also be read at the event.
 - 1. The reading of proclamations at a Town event will be done on a rotating basis and will be tracked by the Town Clerk.
 - 2. Council Members may elect to share the reading of a proclamation at a Town event.
 - 3. Council Members may decline the opportunity to read a proclamation at a Town event.
- 2) Proclamations requested by Council Members or staff recognizing Town staff will normally be presented to staff members in a staff meeting during regular Town business hours. Exceptions may be made by Council at their discretion.
- 3) Proclamations from outside the organization that have someone in the audience to receive the proclamation may be read aloud and presented in the meeting. The recipient(s) will have up to three minutes to acknowledge the proclamation.
- 4) Proclamations from outside the organization that do not have someone in the audience to receive the proclamation will be noted on the meeting agenda but will not be read or presented.
- (b) Proclamations may be requested for presentation outside of a regularly scheduled meeting if a request is made to the Town Clerk's Office a minimum of two weeks prior to the event. Outside meeting presentation requests will be made at the discretion of Town Council.
- (c) No more than two proclamations will be read aloud in a single Town Council meeting.
 - 1) In the event there are more than two proclamations that qualify to be read, staff will work to shift proclamations to other meetings or work with the sponsor(s) for an alternative to the proclamation being read in a meeting.
 - 2) If a requested proclamation cannot be rescheduled, it will be listed on the Council meeting agenda but will not be read in the meeting.
 - 3) If necessary, proclamations will be prioritized based on the following:
 - a) Council requests
 - b) Staff requests
 - c) Pre-approved annual proclamations

- d) External requests
- (d) All proclamations issued will be kept on file with the Town Clerk and will be posted on the Town website subsequent to issuance.
- (e) Council Members may individually issue up to two (2) proclamations annually, recognizing outstanding achievements and contributions to the Morrisville community.
 - 1) These recognitions shall focus on lifetime contributions to the Town or a specific act within the twelve months preceding the award issuance.
 - 2) The recipient must have lived or worked within the Town at the time of contribution(s) to be eligible.
 - 3) Elected Federal, State, or Local Representatives (while holding office), candidates for elected office and current employees are not eligible for individual recognition. This does not apply to recognition of a group of Town employees.
 - 4) Recipients may only be recognized once within a 5-year period.
 - 5) Individual recognition proclamations will not be announced during Town Council meetings.
 - 6) If any recommended recipient does not meet the criteria defined herein, the sponsoring Council Member must seek approval of the full Town Council prior to issuance.
- (f) The Town Clerk will maintain an electronic file of all proclamations issued (including those issued outside of a Council meeting) by Council Members and will share via an annual report with Town Council in January for the preceding calendar year.
- (g) For proclamation requests that do not meet specified guidelines, Town Council may choose to provide a ceremonial letter of recognition/congratulations in lieu of proclamation. Letters are within the discretion of the Town Council and will be prepared by staff and issued by Town Council.

(B) Resolutions of Support

- (1) Resolutions are non-binding, unenforceable statements made by Town Council. Resolutions may be adopted at Town Council's discretion. Resolutions serve the intent of persuading or encouraging other legislative bodies to adopt legislation that is of importance to the Town of Morrisville.
 - (a) Resolution adoption does not guarantee support or endorsement by any legislative body, other than the Town.
 - (b) Any request for a resolution of support shall be made to the Town Clerk's office.
- (2) Resolution guidelines:

- (a) Resolutions will only be considered for issues relevant to the Town's major service areas or quality of life issues on behalf of Morrisville community members, including, but not limited to public safety, public works, economic development, transportation, planning and development services, parks and recreation, community services, and technology.
 - (b) Resolutions shall not conflict with the Town's previously adopted positions in any of these service areas unless Town Council acknowledges a change in position.
 - (c) Resolutions may be vetted during the Town Council Roundtable discussion or during a Town Council meeting. Any proposed resolution must receive majority support of the Town Council to move forward and be considered for a vote at the following meeting.
 - (d) The Town Clerk will circulate the draft resolution to finalize verbiage and the resolution will be included as an action item on the meeting agenda.
 - (e) Resolutions that are time-sensitive, i.e. related to legislative matters or similarly supported items, can be considered outside of this process as needed.
 - (f) Town Council reserves the right to modify, postpone, or deny consideration of any resolution request.
- (3) For resolution requests that do not meet specified guidelines, Town Council may choose to provide a letter of support in lieu of a resolution. Letters are issued by Town Council and are within the discretion of the Town Council.

Rule 26. Closed Sessions

(A) Town Council may hold Closed Sessions as provided by law.

Town Council may go into a Closed Session for one or more of the permissible purposes listed in G.S. 143.318.11(a) with a motion made and adopted during open session. Specific motion information is outlined in Rule 18(b), Motion 6.

- (1) Only those actions authorized by statute may be discussed in Closed Session.
- (2) Typically, only Town Council, the Town Attorney(s), and members of the Senior Leadership Team will attend Closed Sessions. Other staff may be added at the discretion of the Town Manager depending on the topic(s) being discussed.
- (3) Closed Sessions are not open to the public.
- (4) A motion to adjourn or recess shall not be in order during a Closed Session.
- (5) While disclosure of information from Closed Sessions is not prohibited or sanctioned by law, Council Members commit not to disclose information discussed in the course of a Closed Session that would frustrate the purpose for which the closed session was properly conducted.

(B) Closed Session Procedures:

- (1) Closed Sessions will be clearly disclosed on a draft/published agenda (unless emergency circumstances exist).
- (2) Council Members will be confidentially notified with as much advance notice as possible about the general purpose/content of the Closed Session in order to be able to consider the motion to add or go into Closed Session.
- (3) Council Members requesting the addition of a Closed Session must notify the Mayor or Mayor Pro Tem (if the presiding officer) and then notify each Council Member of their intention to call for a Closed Session and the general purpose/content of the Closed Session.
- (4) Council Members are not considered employees, and may not request a Closed Session to discuss personnel matters about other Council Members.
- (5) Advisory Committee Members are not considered employees, and Council Members and staff may not request a Closed Session to discuss personnel matters about Advisory Committee Members.

(C) Closed Session Minutes Procedures:

- (1) Following each Closed Session, a draft of summary minutes of each Closed Session will be prepared by the official notetaker and submitted to the Mayor, Mayor Pro Tem, Town Attorney, and Town Manager for review.
- (2) Any communication of Closed Session minutes will be marked as “Confidential – Not for Public Record.”
- (3) Once the reviewing parties (section 1 above) have made any necessary edits and have agreed the minutes are an accurate summary of the Closed Session discussion, the Closed Session minutes will be forwarded to the Town Clerk for secure storage.

(D) Sealing and Unsealing Closed Session Minutes:

- (1) Closed Session minutes are confidential, considered “sealed”, and are not available for public inspection (G.S. 143.318.10(e)).
- (2) Minutes will remain sealed unless otherwise directed by a majority vote of Town Council. All sealed Closed Session minutes are reviewed annually at the end of the calendar year by the Town Manager, Town Clerk, and Town Attorney. They will be unsealed by action of Town Council if the unsealing of the minutes will not frustrate the purpose of the Closed Session, and in accordance with the adopted Policy included in the Appendix of these Rules of Procedure.

- (3) When it is determined by the Town Manager, Town Clerk, and Town Attorney that making the Closed Session minutes available to the public would no longer frustrate the purpose of the Closed Session, a recommendation shall be made to Town Council that these minutes be considered for “unsealing.” Upon a majority of Council Members approving the unsealing, the minutes shall be made available for public inspection.
- (4) Copies of all sealed minutes are always available for visible inspection by Council Members in the Town Clerk’s office.

Rule 27. Quorum

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

Rule 28. Public Hearings

Rules governing public hearings required by law or deemed advisable shall be organized by the Town staff and announced by the Mayor (or presiding Council Member). The rules shall set forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. Town guidelines for public hearings are outlined in Rule 5, “Public Address to Town Council.”

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 Town Council is present; such a hearing is considered to be part of a regular or special meeting of the Town Council. 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) “Recessed Meetings,” shall be followed in continuing a hearing at which a majority of Town Council is present.

At the time appointed for the hearing, the Mayor (or the presiding officer) 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 entertain or make a motion to end the hearing.

Rule 29. Quorum at Public Hearings

A quorum of the Town 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 Town Council meeting without further advertisement.

Rule 30. Minutes

Full and accurate minutes of Town Council proceedings, including Closed Sessions, shall be kept. Minutes are not intended to be verbatim, but to capture the essence of discussion and decisions by Town Council. The Town Clerk 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. Minutes and general accounts of regular meetings shall be open to inspection of the public.

Minutes and general accounts of Closed Sessions are sealed and not open to public inspection, but may be unsealed as outlined in Rule 26, Closed Sessions.

Rule 31. Appointments

- (A) Town Council may consider and make appointments to other bodies, including its own committees, if any, only in open session. The council may not consider or fill a vacancy among its own membership except in open session.
- (B) Rather than proceeding by motion, Town Council shall use the following procedure to make appointments to advisory boards/committees (other appointment methods may be used for appointment to other offices as deemed necessary by Town Council):
 - (1) All applicants eligible for appointment will be presented to Town Council for inspection two weeks prior to the scheduled vote, via briefing item. At the appropriate time, the names of all eligible appointees will be provided by a ballot outlining the number of seats available for appointment to each advisory board/committee. Council Members will cast votes for the number of seats available, and the ballots will be tallied by the Town Clerk and recorded in the minutes. Applicants must receive a minimum of four votes for appointment.

Rule 32. Committees and Boards

- (A) **Establishment and Appointment.** The Town Council or the Mayor, if the Mayor is delegated that power by the rest of the Town Council, may establish and appoint members for such temporary and standing Town committees and boards as are needed to help carry on the work of the Town 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 and appointed authorities, boards, commissions, councils, or other bodies of the Town 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 Town's professional staff.

Rule 33. Amendment of the Rules

These rules may be amended at any regular Council Meeting or at any properly called Special Council Meeting that includes amendments of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the Town charter, general law, and generally accepted principles of parliamentary procedure.

Rule 34. Reference to *Robert's 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 Town Council and Town staff shall refer to *Robert's Rules of Order Newly Revised*, to answer unresolved procedural questions.

Based on the book,
Suggested Rules of Procedure for a City Council
Third Edition
By:
A. Fleming Bell, II

And

A Model Code of Ethics for North Carolina Local Elected Official
By:
A. Fleming Bell, II

Institute of Government
The University of North Carolina at Chapel Hill
2000

Adopted:
May 27, 2008 (Res 2008-049)

Updates:
Version 2 – October 28, 2008 (Res 2008-099)
Version 3 – August 25, 2009 (Res 2009-050)
Version 4 – May 24, 2010 (Res 2010-024)
Version 5 – December 14, 2010 (Res 2010-076)
Version 6 – November 26, 2012 (Res 2012-111)
Version 7 – July 23, 2013 (Res 2013-065)
Version 8 – October 25, 2016 (Res 2016-69)
Version 9 – December 12, 2017 (Res 2017-422-0)
Version 10 – August 13, 2019 (Res 2019-164-0)
Version 11 – March 10, 2020 (Res 2020-49-0)
Version 12 – April 28, 2020 (Res 2020-130-0)
Version 13 – May 26, 2020 (Res 2020-164-0)
Version 14 – April 22, 2024 (Res 2024-131-0)
Version 15 – April 8, 2025 (Res 2025-65-0)

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Appendix 1 Summary of Motions

	Motion	Vote Required	Special Requirements
1	To Appeal a Procedural Ruling of the Presiding Officer	Majority	Is in order immediately after the presiding officer announces a procedural ruling, as specified in Rule 7, and at no other time. The Council 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.
2	To Adjourn	Majority	May not interrupt deliberation of pending substantive matter. Motion to [recess] [adjourn] to a time and place certain must also comply with Rule 2(c).
3	To Take a Brief Recess	Majority	None
4	Call to Follow the Agenda	Majority	Must be made at first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.
5	To Suspend the Rules	Two-Thirds	Town Council may not suspend provisions of the rules that state requirements impose by law on the council.
6	To Go into Closed Session	Majority	Motion must cite one or more of the permissible purposes for closed sessions listed in G.S. 143-318.11(a) and must be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) must 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. 143-318.11(a)(3) must identify the parties in each existing lawsuit concerning which the council expects to receive advice during each closed session, if in fact such advice is to be received.
7	To Leave Closed Session	Majority	None
8	To Divide a Complex Motion and Consider it by Paragraph	Majority	None

9	To Postpone Consideration	Majority	A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration (Motion 13) is adopted. While a postponed motion remains pending, a new motion with the same effect cannot be introduced. CAUTION: Do not confuse with Motion 11.
10	Motion for the Previous Question	Majority	Not in order until there have been at least 20 minutes of debate, and every member has had an opportunity to speak once.
11	To Postpone to a Certain Time and Day (See Motion 9)	Majority	None
12	To Amend	Majority	(a) Amendments must be pertinent to the subject matter of the motion being amended. An amendment is improper if adoption of the motion with that amendment added has the same effect as rejection of the original motion. A proposal to substitute a different motion 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 must be reduced to writing before the vote on the amendment.
13	To Reconsider	Majority	Must be made by a Council Member who voted with the prevailing side (the majority side except in the case of a tie; in that case the “noes” prevail). May only be made at the meeting at which the original vote was taken, including any continuation of that meeting through [recess] [adjournment] to a time and place certain. Cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

Appendix 2

Town of Morrisville Social Media Policy for Elected Officials

This policy provides guidance to Town of Morrisville elected officials who choose to engage with community members using personal and professional (i.e. related to their position and responsibilities as a Council Member) social media platforms, including but not limited to, Facebook, Twitter (“X”), Instagram, and Nextdoor. This policy will be reviewed annually by Council Members.

(A) Council Members are encouraged to maintain separate personal and professional social media accounts (i.e. related to their position and responsibilities as a Council Member).

(B) Whether Council Members maintain separate accounts or not, the following guidelines are suggested:

(1) Clarify with a statement on each personal platform: “Opinions on this account are my own and do not reflect the opinions of the Town of Morrisville.”

(2) Professional social media sites shall include this notification: “Posts to and from this page are subject to NC Public Records Law.”

(NOTE: Council Members are encouraged to reference the *Town of Morrisville Elected Official Social Media Toolkit* resource for assistance with creating and managing social media platforms.)

(C) Council Members must be mindful that posting content on personal and professional social media accounts regarding Town-related matters may constitute a public record.

(D) Council Members are encouraged to avoid policy debate and discussion on social media platforms and to use social media posts to share and inform the public and to encourage public participation.

(E) Council Member professional social media platforms will be considered a limited public forum. The First Amendment protects individuals from government censorship in a public forum. Therefore, posts and comments shall be removed on these platforms only if they include:

(1) Content that promotes discrimination;

(2) Sexual content;

(3) Commerce solicitations (ads);

(4) Information that will compromise public safety;

- (5) Endorsement of illegal behavior; and/or
- (6) Protected medical information.
- (F) It is anticipated that, from time to time, Council Members will have access to information that is considered privileged or confidential under NC General Statutes. Elected officials shall not reveal any confidential or privileged information about the Town, its constituents, its employees, or its contractors on social media platforms.
- (G) Town Council members shall direct members of the public to the Town's official digital platforms in order to respond to a social media inquiry, the following responses are suggested:
 - (1) Twitter / "X": "Tagging @Morrisville_NC on your inquiry so the Town may respond to you directly."
 - (2) Facebook: "Tagging @TownOfMorrisville on your inquiry so the Town may respond to you directly."
 - (3) Instagram: "Tagging @townofmorrisvillenc on your inquiry so the Town may respond to you directly."
 - (4) YouTube: "Tagging @TownofMorrisvilleNC on your inquiry so the Town may respond to you directly."
 - (5) Other platforms, such as Nextdoor: "Please contact the Town of Morrisville directly at 919-463-6152 or at information@morrisvillenc.gov so the Administration may respond to you."

Code of Conduct: Best Practices for Elected Officials

- (A) To encourage public engagement and constructive dialogue, while maintaining the dignity and integrity of elected office, the following best practices help to ensure that the official use of social media by Council Members is done in a responsible manner.
- (B) Town of Morrisville Council Members are encouraged to:
 - (1) Be honest and accurate when posting information, and quickly correct any mistakes, misstatements, and/or factual errors in content upon discovery.
 - (2) Promote constructive dialogue and civic engagement.
 - (a) Avoid undignified remarks on social media platforms and on others' social media platforms. Undignified remarks are those that "lack seriousness in manner, appearance or language."
 - (b) Avoid discourteous remarks. Discourteous remarks include those that display "unpolished manners or disrespect for others."

- (c) Refrain from disruptive statements. A disruptive statement is one that contains personal attacks, profanity, commercial advertising or content which is entirely off-topic.
 - (d) Avoid personal attacks, which are disparaging remarks that attribute motives to a person's action. Statements of fact, or of your own opinion are generally not personal attacks.
- (C) Consider whether liking, sharing, retweeting or commenting on social media posts could be perceived as an official endorsement by the Town, its employees, constituents, other public officials, suppliers, vendors, or contractors.
- (D) Monitor personal social media accounts on which they identify themselves as members of the Morrisville Town Council, and be prepared to appropriately address or escalate situations that arise as a result of posting on those accounts.

Adopted August 13, 2019 by Resolution 2019-158-0
Amended April 8, 2025 by Resolution 2025-65-0

Appendix 3 – Rules of Procedure Changes
(Beginning April 8, 2025)

Version	Date	Enacting Resolution	Policy Change
1	April 8, 2025	2025-65-0	The following changes were adopted: Throughout – changed “resident” to “community member.” Throughout – changed “should” to “shall”. Throughout – removed references to the Mayor as being separate from other Council Members where appropriate. Section 7 – Clarified that Council is expected to sign their annual ethics commitment form no later than the first February meeting each year. Rule 1 – Clarified that Council may shift a scheduled meeting to a Monday, Thursday, or Friday; this includes to allow Council Members to attend a conference. Rule 1 – Clarified that Council may elect to hold a Council meeting at a site other than the Town Council Chambers at their discretion. Rule 4(A) – Changed “Proposed Agenda” to “Draft Agenda.” Rule 4(E) – Reduced the requirement to advance a Roundtable item from a super majority (five votes) to a simple majority (four votes). Rule 5 – Changed “Public Address” to “Public Input”. Rule 5(A) – Established three methods of Public Input, including Public Comment (in-person), Public Hearing Input (in-person), and Online Public Input (for comment or public hearing).

			Rule 5(A)(3) – Modified the procedure for Online Public Input (formerly “e-comment”) by allowing Online Public Input from the time the agenda is posted publicly up to three hours prior to the meeting and clarified how that input is handled if it comes in after three hours prior. Rule 5(A)(3) – Modified the procedure so that Online Public Input will be read into the meeting record for up to three minutes. Rule 6 – Modified the standard agenda order by separating proclamations from presentations and making the order consent agenda, proclamations, public comment, and then presentations. Rule 15 – Added that text messaging is an acceptable form of notice for remote participation; clarified that twenty-four hours’ notice is requested when practical. Rule 15 – Removed the requirement for a Council Member to offer a justification for their remote participation. Rule 15 – Added clarifying language on the purpose of remote participation. Rule 15 – Removed the requirement for a Council Member to identify their location when participating remotely. Rule 25(A)(4) – Separated out proclamations for staff recognition from other proclamations in order to recognize staff during their workday. Rule 25(A)(4) – Implemented a three-minute time limit for anyone speaking after receiving a proclamation. Rule 25(A)(4) – Clarified that if there is not a recipient for a proclamation requested from outside the Town, that it will be acknowledged on the meeting agenda but will not be read in the meeting.
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			Rule 25(A)(4) – Reduced the number of proclamations read aloud in a meeting from three to two. Rule 26 – Consolidated the separate Closed Session Policy adopted in 2018 into this Rule to avoid conflicting information. Rule 26(A) – Added clarification on staff that normally attends a closed session. Rule 26(B) – Clarified that Advisory Committee members are not employees and may not be discussed in closed session. Appendix 2 – Social Media – added a reference to the Town’s YouTube account. Town Council Policy on Closed Session Minutes – consolidated the content into Rule 26 and eliminated the policy.
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