



**Selma Town Council
Rules of Procedure**

Amended this 21st day of January, 2026.

**SELMA TOWN COUNCIL
RULES OF PROCEDURES**

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RESOLUTION ADOPTING A CODE OF ETHICS FOR THE SELMA TOWN COUNCIL

WHEREAS, the proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; and

WHEREAS, government decisions and policy must be made in proper channels of the governmental structure; and

WHEREAS, the public office must not be used for personal gain; and

WHEREAS, the public must have confidence in the integrity of its government; and in recognition of these goals, and

WHEREAS, the General Assembly of the State of North Carolina ratified House Bill 1452 on the 28th day of July, 2009, requiring that all members of governing Councils covered by this act shall receive a minimum of two clock hours of ethics education within 12 months after initial election or appointment to the office and again within 12 months after each subsequent election or appointment to the office in accordance with N.C.G.S. § 160A-84.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Selma, North Carolina that the following Code is adopted:

CODE OF ETHICS FOR THE TOWN COUNCIL OF THE TOWN OF SELMA, NORTH CAROLINA

The stability and proper operation of democratic representative government depends upon the continuing consent of the governed, upon the public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people. Government decisions and policy must be made and implemented through proper channels and processes of the governmental structure. The purpose of this Code is to establish guidelines for ethical standards of conduct for the Mayor and Council members and all references herein to the Town Council shall be understood to include all Council members. This Code should not be considered a substitute for the law.

Council members must be able to act in a manner to maintain their integrity and independence yet must be responsible to the interests and needs of those they represent. Council members serve in an important advocacy capacity in meeting the needs of their citizens and should recognize the legitimacy of this role as well as the intrinsic importance of this position to the proper functioning of representative government. At the same time, Council members must, at times, act in an ad judicatory or administrative capacity and must, when doing so, act in a fair and impartial manner. Council members must know how to distinguish these roles and when each role is appropriate, and they must act accordingly. Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each Council member must determine appropriate conduct within his or her own conscience.

I. A Council member shall obey the law.

Council members shall support the Constitution of the United States, the Constitution of North Carolina and the laws enacted by the Congress of the United States and the General Assembly pursuant thereto. Members specifically acknowledge and agree to comply with the requirements of NCGS 14-234 entitled "Public Officers or Employees Benefiting from Public Contracts; Exceptions."

II. A Council member shall uphold the integrity and independence of his or her office.

Council members should demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in all their public activities in order to inspire public confidence and trust in town government. Council members should participate in establishing, maintaining, and enforcing, and should themselves observe high standards of conduct so that the integrity and independence of their office may be preserved. The provisions of this Code should be construed and applied to further these objectives.

III. A Council member should avoid impropriety and the appearance of impropriety in all his or her activities.

It is essential that town government attract those citizens that are best qualified and willing to serve. Council members have legitimate interests, economic, professional and vocational, of a private nature. Council members should not be denied, and should not deny to other members or citizens, the opportunity to acquire, retain and pursue private interests, economic or otherwise, except when conflicts with their responsibility to the public cannot be avoided. Council members must exercise their best judgment to determine when this is the case. Council members should respect and comply with the law and should conduct themselves at all times in a manner that promotes public confidence in the integrity of the office on the Council and in town government.

Council members should not allow family, social, or other relationships to unduly influence their conduct or judgment and should not lend the prestige of the office on the Council to advance the private interests of others; nor should they convey, or permit others to convey, the impression that they are in a special position to influence them. Council members shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. Any member of the Town Council who has an interest in any official act or action before the Council should publicly disclose on the record of the Council the nature and extent of such interest and should withdraw from any consideration of the matter if excused by the Council pursuant to N.C.G.S. § 160A-75.

IV. A Council member should perform the duties of the office diligently.

While performing the duties of the office prescribed by law, Council members should give precedence to these duties over other activities. In the performance of prescribed duties, the following standards should apply:

a. Legislative responsibilities

- i. Council member should actively pursue policy goals they believe to be in the best interest of their constituents within the parameters of orderly decision making, rules of the Council and open government.**

- ii. Council member should respect the legitimacy of the goals and interest of other Council members and should respect the rights of other to pursue goals and policies different from their own.

b. Adjudicative responsibilities

- i. Council members should be faithful to the general and local laws pertaining to the office and strive for professional competence in them. They should be nonbiased by partisan interests, public clamor, or fear of criticism.
- ii. Council members should demand and contribute to the maintenance of order and decorum in proceedings before the Council.
- iii. Council members should be honest, patient, dignified, and courteous to those with whom they deal in their official capacity, and should require similar conduct of their staff and others subject to their direction and control.
- iv. Council member should accord to every person who is legally interested in a proceeding before the Council full right to be heard according to law.
- v. Council member should dispose promptly of the business of the Town for which they are responsible.

c. Administrative Responsibilities

- i. Council members should clearly distinguish legislative, adjudicatory and administrative responsibilities and should refrain from inappropriate interference in the impartial administration of Town affairs by Town employees. Council members should diligently discharge those administrative responsibilities that are appropriate, should maintain professional competence in the administration of these duties and should facilitate the diligent discharge of the administrative responsibilities of fellow Council members and other town officials.
- ii. Council members should conserve the resources of the Town in their charge. They should employ Town equipment, property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.

- iii. Council members should require Town employees subject to their direction and control to observe the standards of fidelity and diligence that apply to Council members as well as those appropriate for employees.
- iv. Council members who become aware of improper conduct by a Town employee should promptly inform the mayor, or in the case of a Town employee who reports directly to the Council, initiate appropriate disciplinary measures.
- v. Council members should not employ or recommend the appointment of unnecessary employees and should exercise the power of employment only on the basis of merit, avoid favoritism and refrain from illegal discrimination and nepotism. They should not approve compensation of employees beyond the fair value of services rendered.

V. A Council member should conduct the affairs of the Town Council in an open and public manner.

Council members should be aware of the letter and intent of the State's Open Meetings Law and should conduct the affairs of the Council consistent with the letter and spirit of that law, to inspire and maintain public confidence in the integrity and fairness of town government and the office of Council member. Consistent with this goal of preserving public trust, Council members should be aware of the need for discretion in deliberations where the lack of discretion would pose a threat to the resources of the Town, to the reputation of current or potential town employees, to orderly and responsible decision making, to the integrity of other governmental processes or to other legitimate interests of the Town.

VI. A Council member should regulate his or her extra governmental activities to minimize the risk of conflict with his or her official duties.

- a. Council members should inform themselves concerning conflict of interest and other appropriate state and federal laws and should scrupulously comply with the provisions of such laws.
- b. Council members should refrain from financial and business related dealings that tend to reflect adversely on the Council or on town government or to interfere with the proper performance of official duties.

- c. Council member should manage their personal financial interest to minimize the number of cases in which they must abstain from voting on matters coming before the Council.
- d. Information acquired by Council members in their official capacity should not be used or disclosed in financial dealings or for any other purpose not related to official duties.

VII. A Council member should refrain from political activity inappropriate to his or her office.

- a. Council members have a civic responsibility to support good government by every available means, to continue to inform and educate the citizenry about the affairs and processes of town government, and to make themselves available to citizens of the Town so that they may ascertain and respond to the needs of the community. In doing so, Council members may and should join or affiliate with civic organizations whether partisan or non-partisan, may and should attend political meetings, may and should advocate and support the principles or policies of civic or political organizations consistent with the Constitution and laws of the United States and North Carolina.
- b. Candidates for the office of Council member, including incumbents:
 - i. Should inform themselves concerning the laws of this state with regard to campaigns and relevant disclosure requirements and should scrupulously comply with the provisions of such laws;
 - ii. Should not make pledges or promises of conduct in office that they will not or cannot perform or would be illegal if it were performed;
 - iii. Should not misrepresent their identity, qualifications, present position, or other fact and
 - iv. Should avoid pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office.

VIII. A Council member shall attend ethics training as required by statute.

All members of governing Councils shall receive a minimum of two clock hours of ethics education within 12 months after initial election or appointment to the office, and again within 12 months after each subsequent election or appointment to the office in accordance with NCGS 160A-84. The ethics education shall cover laws and principles that govern conflicts of interest and ethical standards of conduct at the local government level. The ethics education may be provided by various qualified sources, including the NC League of Municipalities and UNC School of Government, or other qualified sources of the Council's choosing. The Clerk to the governing Council shall maintain a record verifying receipt of the ethics education by each member of the Council.

IX. Confidentiality Agreement.

- a.** In consideration of any/all points discussed as part of any Town Council Meeting deemed to be "Exempt Confidential Information" (Closed Session) or indeed any personal information pertaining to that of a Town employee, the undersigned Selma Town Council member hereby undertakes that they shall:
 - i.** Not communicate, disclose, or make available any part of the Confidential Information discussed to that of a third party;
 - ii.** Formally agrees not to directly or indirectly use, or permit others to use, the Confidential Information other than for addressing a Council action point;
 - iii.** Not make any announcement of disclosure in connection with the Confidential Information discussed as part of a closed session defined in NCGS §143-318.11 without the prior approval of Selma Town Council.
- b.** The obligations of confidentiality and non-use will not apply with the respect to any of the following:
 - i.** Information which is generally available to the public at the date of this agreement;
 - ii.** Information which is subsequently disclosed by third parties having no obligations of confidentiality;

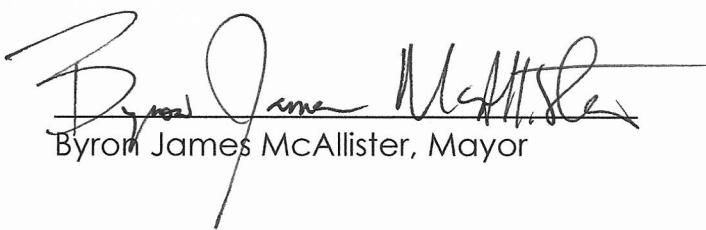
- iii. Information which is or becomes generally available to the public via Council minutes, through no act or default on the part of the Council member, employees, or professional advisers.
- c. Without prejudice to the generality of Section 2, information shall not be deemed to be generally available to the public by reason only that it is known to only a few of those people to whom it may be of interest and a combination of two or more parts of the Confidential Information shall not be deemed to be generally available to the public by reason only of each separate part being so available.
- d. Each Member is responsible for ensuring that all measures necessary are taken to secure the confidentiality of such information, including but not limited to:
 - i. Keeping separate all Confidential Information and all information generated based on the Confidential Information discussed as part of a closed session and records;
 - ii. Ensure that, all documents and any other material bearing any confidential information is left at the Town Council Chambers following a meeting so that it can be correctly disposed of;
 - iii. No Member is to use, reproduce, transform or store any of the confidential information whatsoever outside the Council Chamber without the prior approval of the majority of the Town Council and with the Town Clerk's full knowledge;
 - iv. No Member is to obtain from employees having access to the Confidential Information, their undertakings being to maintain the same as confidential and taking such steps as may be reasonably desirable to enforce such obligations;
- e. The failure by an individual Member to comply at any time with any one or more of the terms or conditions of this agreement may result in a formal public reprimand by a majority vote of the Selma Town Council.
- f. All rights in the Confidential Information are reserved by the party to which it belongs and no rights or obligations other than those expressly set out in this agreement are granted or to be implied from this agreement.

g. The rights, duties and obligations of the Town Council and its Members and the validity, interpretation, performance and legal effect of this agreement shall be governed and determined by the laws of North Carolina.

BE IT FURTHER RESOLVED THAT:

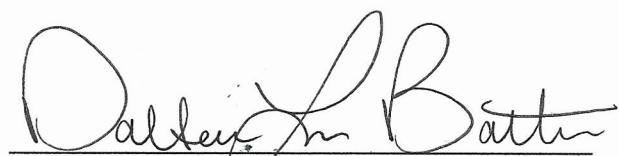
1. A violation of this Code of Ethics may subject a Council member to a censure resolution by the Town Council; however, no such censure resolution shall be adopted until the person alleged to have committed the violation has been given notice of the alleged violation and provided with the opportunity to appear before the Council and be heard regarding the allegation.
2. When a Council member has a question as to the applicability of this Code to a particular situation, he or she may apply, orally or in writing, to the Town Attorney for advisory guidance. Upon receipt of a request for advisory guidance and based only upon the information given by the Council member, the Town Attorney should provide advisory guidance to the Council member. In the Town Attorney's discretion, he may retain outside legal counsel to advise him in connection with any request for advisory guidance. In no event will the Town Attorney's advisory guidance excuse a Council member from complying with the Code of Ethics or other applicable law.

Duly adopted this 21st day of January, 2026.


Byron James McAllister, Mayor



(SEAL)


Dalton Larsen-Batten, Town Clerk

SELMA TOWN COUNCIL RULES OF PROCEDURE

ORGANIZATIONAL MEETING

At the appropriate regular meeting in December, following a general election in which Council members are elected, the newly elected members shall take and subscribe to the oath of office, immediately following dispensing with any routine unfinished business of the prior Council (such as approval of minutes). As the next order of business, the Council shall elect a Mayor Pro Tempore and conduct any other organizational business deemed appropriate.

OFFICE OF THE MAYOR

The Mayor shall preside at all meetings of the Selma Town Council. To address the Town Council, a member must be recognized by the Mayor. The Mayor shall have the following powers:

- a. To rule motions out of order, including any motion patently offered for obstructive or dilatory purposes;
- b. To determine whether a speaker has gone beyond a reasonable standard of courtesy in their remarks and to entertain the rule on objections from other members on this ground;
- c. To entertain and answer questions of parliamentary law or procedure;
- d. To call a brief recess at any time;
- e. To adjourn in an emergency;
- f. To vote on all matters before the Council, per the Selma Town Charter.

OFFICE OF MAYOR PRO TEMPORE

At the organization meeting, Council shall elect from among its members, a Mayor Pro Tempore to serve at the pleasure of the Council. The election shall be for a two (2) year term and the official shall perform the duties of Mayor during any absence or disability of the Mayor.

PRESIDING OFFICER WHEN THE MAYOR IS IN ACTIVE DEBATE:

The mayor shall preside at the meetings of the Council unless they become actively engaged in debate on a particular proposal, in which case the Mayor shall designate the Mayor Pro Tempore, or another Council member to preside over the debate. The Mayor shall resume the duty to preside as soon as action on the matter is concluded.

QUORUM

A majority of the actual membership of the Council, including the mayor, and excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for the purpose of determining whether a quorum is present.

A quorum of the Council shall be required at all public hearings required by state law. If a quorum is not present, the hearing shall be deferred to the next regular Council meeting, without further advertisement.

REGULAR MEETING

The Selma Town Council shall hold at a minimum, its regular meeting on the second Tuesday of each month, except that if a regular meeting is on a legal holiday, the meeting shall be rescheduled. The meeting shall be held at the Council Chambers located at the Jernigan Building, 110 E. Anderson Street, and shall begin at 6:00PM unless prior notice is provided.

AGENDA

The Town Clerk shall prepare the agenda for the meeting. The mayor or any two (2) elected Town Council member may direct the Town Clerk to place an item of business on the agenda. For the agenda to be published and distributed in a timely manner, such directive needs to be received on or before the due date requested by the Town Clerk.

Requests for items of business to appear on the agenda from individuals or organizations will be placed on the agenda under Discussions & Presentations, at the discretion of the Town Clerk. All requests from external entities must be accompanied by a formal letter outlining the information being requested and/or presented to Council. Any request for an item of business to appear on the agenda from individuals or organizations must be received at least two (2) weeks before the meeting.

The agenda should include all items, particularly action items and announcement, that are expected to be considered. Any item placed on the agenda, whether to be discussed openly or approved in consent, should have an exhibit sheet accompanied by supporting documents. These exhibit sheets should have concise but understandable description of what the Council is to consider.

This procedure would also be required of any items placed on the agenda during "approval of agenda" section of the Town Council meeting. Effort should be made to not add an agenda item during the meeting; however, where it is deemed necessary, an exhibit sheet with supporting documentation should be provided to the Mayor, each Council member, the Town Manager, and the Town Attorney prior to a vote to amend the agenda.

Each Council member shall receive a copy of the draft agenda before each regularly scheduled Council meeting.

The Council may, by majority vote, consider a scheduled item out of sequence or add/delete an item.

ORDER OF BUSINESS

Items shall be placed on the agenda according to the Order of Business. Unless modified by majority vote, the order of business for each regular meeting shall be as follows:

CALL TO ORDER
INVOCATION
PLEDGE TO FLAG
APPROVAL OF AGENDA
OPEN FORUM/CITIZEN REQUEST
DISCUSSIONS/PRESENTATIONS
PUBLIC HEARINGS
BUSINESS ITEMS
BOARD REPORTS & RECOMMENDATIONS
CONSENT AGENDA
COUNCIL MEMBERS REPORT & RECOMMENDATIONS
MAYORS REPORT & RECOMMENDATIONS
CLOSED SESSION (IF NECESSARY)
ADJOURNMENT

Advisory Boards/Commissions may, from time to time, need to make a report to the Town Council or recommend action to the Town Council. Reports or recommendations from any Advisory Board/Commission to the Town Council will be placed in the Board Report & recommendations portion of the meeting.

All the above items of business may be approved, disapproved, or otherwise transacted by the use of a Consent Agenda. That is, all items of business placed under a Consent Agenda may be approved, disapproved, or otherwise transacted with one vote by the Council; however, if any Council member wishes to have a specific item removed for deliberation, that at the request of that Council member, said item shall be removed from the Consent Agenda to the appropriate place on the Regular Agenda for deliberation and vote.

PUBLIC ADDRESS TO THE COUNCIL

Any individual or group may address the Council during the Open Forum/Citizens Request portion of the meeting held on the second Tuesday of each month. Those who wish to address Council should register with the Town Clerk no later than twenty four (24) hours prior to the meeting to reserve time.

A fixed standard time limit has been established under these rules. The Mayor shall announce at the beginning of each public comment session the set time each speaker has allotted. Three (3) minutes for Open Forum/Citizen Request and Public Hearing matters.

A standard statement should be read prior to each of these comment sections that explain to the speaker and audience that comments are welcome but certain aspects (personnel for example) cannot be discussed. The speaker should also be told that, in general, Council will take comments under consideration but will likely have no comment during that meeting.

In the event the Mayor determines that numerous or lengthy comments will be offered, they may, in order to ensure that all positions are heard, (i) designate a spokesperson for a group of persons propounding a certain position (ii) arrange for delegates from any such group to speak whenever the numbers of such persons propounding a particular position exceeds the capacity of the Town Council Chambers, and (iii) arrange for the Police Department to ensure that such meeting is conducted in an orderly manner and with decorum.

Speakers must not employ tactics of defamation, intimidation, personal affront, profanity, yelling, or threats of violence specially toward the Town Council and Town Staff. Anyone who demonstrates these behaviors will be removed from the Council Chambers.

PUBLIC HEARINGS

Public hearings required by law or deemed advisable by the Council shall be organized by special order and scheduled by the Town Manager or their designee forth the subject, date, place, and the time of the hearing, as well as any rules regarding the length of time for each speaker, and other pertinent matters. The rules may include, but are not limited to (i) fixing the maximum time allotted to each speaker (ii) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions (iii) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the Council Chambers (so long as arrangements are made for those excluded from the chambers to listen to the hearing), and (iv) provide for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the Open Meetings Law applicable to Council meeting shall also apply to public hearings at which a majority of the Council is present. A public hearing for which any notices are required by the Open Meetings Law or other provisions of law have been given, may be continued to a certain time and place without further advertisement.

The time of the hearing, the Mayor or their designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wished to speak who has not done so, the presiding officer shall declare the hearing closed.

In order to provide for sufficient time for all public hearings and speakers, a public hearing cannot serve as a question and answer time. Town staff will include in all notices required by law, that in order to allow for sufficient time for all public hearings any questions or research should be conducted by any such person(s) in advance of the public hearing. Town staff shall make relevant information available to the public by using the Town's website or maintaining a printed file accessible to the public which contains relevant information about the subject matter of the public hearing.

QUASI-JUDICIAL HEARING PROCEDURAL GUIDELINES

a. **Purpose and General Information.** Quasi-judicial decisions arise in a variety of local government settings. In Selma, the Town Council holds quasi-judicial hearings for special use permits, certain subdivision and site plan applications and for certain other applications. The Zoning Board of Adjustment (BOA) holds quasi-judicial hearings for variance and reasonable accommodation requests and appeals of staff decisions, including zoning and minimum housing appeals. The Appearance Commission holds quasi-judicial hearings for Certificates of Appropriateness for projects lying within a designated local historic district. The Town Council, Appearance Commission, and Board of Adjustment are collectively referred to in this policy as the "Hearing Body." The Selma Land Development Ordinance is referred to as the "LDO."

During a quasi-judicial hearing, the Hearing Body must hold an evidentiary hearing and make its decision based on the written and oral evidence presented. Unlike legislative hearings (like a map amendment/rezoning), a quasi-judicial decision must be based solely on the evidence presented and cannot be based on opinions of members of the Hearing Body. Put differently, a quasi-judicial decision is one that requires the Hearing Body to find facts and exercise discretion when applying standards of an ordinance to a specific situation.

This policy is adopted to provide guidance for the conduct of quasi-judicial hearings. This policy is based on North Carolina law but is not designed to create any additional rights or obligations and does not provide any procedural rights to any person. The failure of the Hearing Body or any other person to adhere to this policy shall not affect the validity of any hearing, action taken, or decision made. To the extent there is conflict or any discrepancy between these recommended procedures and the NC General Statutes, case law, or Town ordinances (collectively referred to as "law"), the law shall prevail.

- b. **Who may appear at the Hearing?** Corporations must be represented by a licensed attorney. Non-corporate applicants and individuals opposed to the application that have standing may represent themselves or be represented by an attorney and legal counsel is strongly advised. Any party may call expert or lay witnesses to testify. Engineers, architects, real estate agents, planners and other non-attorneys may only appear as expert witnesses and may not represent an applicant or those opposed to an application, unless representation is approved by the Hearing Body before witnesses are sworn and evidence is introduced. The Hearing Body reserves the right to deny non-attorney representation for non-corporate parties.
- c. **Prior to the Hearing.** All exhibits and evidence to be introduced during the hearing and names and addresses of all lay and expert witnesses should be submitted to the Town at least two (2) weeks before the hearing date (electronic files are preferred). The Town may designate staff members responsible for processing each application as the person to whom such exhibits should be submitted. Copies should also be provided to any other known parties. By receiving exhibits and evidence prior to the hearing the Town is able to post such exhibits with the hearing agenda.

If prior to the hearing an applicant or a person opposed to an application has questions about the process, they may contact the Staff Representative or Town Clerk for more information. It is inappropriate for anyone to contact any member of the Hearing Body in regard to a quasi-judicial hearing.

Prior to the hearing the Staff Representative, applicant, or other person may suggest time limits for testimony and agreement on other procedural matters. The applicant may also request a continuance prior to the hearing by contacting the Staff Representative.

d. **Responsibilities of the Presider.** The Mayor (if the hearing is before the Town Council) or the Chair of the BOA/Appearance Commission (if the hearing is before that body), shall preside over the hearing. The Presider must recognize speakers and members of the Hearing Body before they are heard. The Presider may rule on any objections or requests from participants in the hearing regarding the procedure of the hearing or evidence presented. The Presider may rule on the competence (i.e. the admissibility) of evidence with or without objection from a participant. The Presider should allow every speaker to be heard but may limit and/or cut off evidence or testimony that is irrelevant, repetitive, incompetent, inflammatory, or hearsay. The Presider may place reasonable and equitable limitations on the presentation of evidence, arguments, and cross-examination of witnesses so that the matter at hand is heard without undue delay.

The Presider may impose additional requirements and take actions as may be necessary or desirable to facilitate the fair and efficient conduct of the hearing and other agenda items. Additional requirements or actions may include requiring witnesses to sign up in advance of the hearing, allocating reasonable time for each side to present their testimony and evidence, limiting the overall time for the hearing, and delaying a hearing to a later point in the agenda or continuing the hearing to a later meeting.

The Presider is hereby authorized to sign all written final orders resulting from any and all quasi-judicial hearings.

e. **Responsibilities of the Hearing Body.** Members of the Hearing Body must make their decision solely on the written and oral evidence presented and cannot consider information obtained through independent research or undisclosed ex parte communications. Member may, however, view the premises in question before the hearing so long as at the commencement of the hearing the members disclose the site visit and any facts or information collected from the site visit that is relevant to the case. Likewise at the commencement of the hearing, or during the hearing it only becomes evident then, members must disclose any specialized knowledge they may have that is relevant to the case.

Members of the Hearing Body should refrain from ex parte communications about upcoming or ongoing cases with any parties or other members of the Hearing Body, and at the commencement of the hearing, members must disclose ex parte communications. Members may seek and receive general, technical information pertaining to the case from Town staff prior to the hearing, but Town staff should provide the information to all during the hearing before the entire Hearing Body.

f. **Responsibility of Those Who Testify.** In addition to other responsibilities of the applicant and others who testify ("witnesses"), witnesses shall observe time limits imposed on testifying unless the Presider grants additional time. Witnesses shall avoid hearsay evidence. Hearsay evidence is testimony that the witness does not know of his or her own personal knowledge, including that which someone else told the witness and the use of introduction of signed petitions and letters. Witnesses shall focus their testimony on the applicable criteria. Unless they are a qualified expert, witnesses are not competent to testify about the impact of a proposed land use on the value of nearby property, the danger to public safety resulting from increases in traffic or other matters that require special training or expertise like the level of noise that will be generated. Non-expert witnesses are competent to testify about facts known to them and their opinion so long as it is not about the impact on property values, the danger to public safety from increases in traffic, and other matters that require special training or expertise.

g. **Conduct of the Hearing.** The order of business for each hearing should be as follows:

- i. All persons, including Town staff, who intend to present evidence must be sworn in by the Town's legal counsel.
- ii. The Presider shall call the case as advertised on the agenda. The Presider may state something along the lines of:

This matter requires this body to conduct a quasi-judicial hearing, which means the body must find facts and base its decision upon the application of the ordinance standards/criteria and the competent, substantial and material evidence presented during this hearing. All testimony must be competent and not repetitious. Speculative opinions and general expressions of fear of potential increases in crime, traffic or impacts on the property values does not constitute as competent evidence.

- iii. If the applicant is to be represented by anyone other than a licensed attorney, the applicant shall request the consent of the Hearing Body for such representation as set for in Section B above.
- iv. Members of the Hearing Body shall disclose any of the following:
 - a. Any site visits;
 - b. Ex parte communications;
 - c. Specialized knowledge they have relevant to the case;
 - d. Whether they have a fixed opinion that is not susceptible to change based on what they learn at the hearing;
 - e. Whether they have a close familial business, or other relationship with the applicant or other affected person;
 - f. Whether they have a financial interest in the outcome of the case; and
 - g. Any other information relevant to determining whether a conflict of interest exists.

If necessary, the Hearing Body will vote on recusal of members at this time. A member shall not participate in the hearing if the member has a fixed opinion prior to the hearing that is not susceptible to change; has engaged in undisclosed ex parte communications; has a close family, business, or other associational relationship with the applicant or affected person; or has a financial interest in the outcome of this matter.

- v. The applicant or other affected person (having been sworn in) shall present any objections they may have to a members participation. If an objection is made to the participation of a member based on personal bias or other ground for disqualification, the Hearing Body shall determine the matter as part of the record.
- vi. The Presider shall open the hearing.
- vii. The Staff Representative should present the staff report.
- viii. Evidence and the appropriate number of exhibits that were not provided to the deadline in advance of the hearing shall be given to the Town Clerk and any opposing party. The Clerk shall number the exhibits if they have not already been numbered and shall distribute to the Hearing Body. If an exhibit is presented it becomes part of the record and will not be returned.

- ix. If all parties are represented by attorneys, the applicant, followed by any opposing party, may present a brief opening statement.
- x. The applicant shall present the arguments and evidence in support of the application. The applicant shall address applicable approval criteria. Members of the Hearing Body or any attorney representing the Hearing Body or the Town may ask questions for clarification. If all parties are represented by attorneys, opposing parties may ask questions or (cross-examine) the applicant (if the applicant testifies) or supporting witnesses at this time. If those opposed to the applicant are not represented by attorneys, the Presider may prefer to delay cross-examination until all sides present their arguments and evidence.
- xi. Persons opposed to granting the application shall present the arguments and evidence against the application based on the applicable approval criteria. Members of the Hearing Body or any attorney representing the Hearing Body or the Town may ask questions for clarification. If all parties are represented by attorneys, the applicant may cross-examine the speaker or opposing witnesses at this time.
- xii. The Presider will provide Town staff and/or their attorney an opportunity to present relevant arguments or evidence.
- xiii. If cross examination was not done at the conclusion of each side's case, then both sides will be permitted to cross examine previous witnesses. Those who oppose the application should cross examine the applicant (if the applicant testified) and the applicants supporting witnesses first. Then the applicant may cross examine those witnesses who spoke in opposition to the application. Both sides may, as necessary, object to incompetent evidence and testimony (such as improper lay opinion testimony and hearsay) offered by other witnesses. The Presider may rule on such objection or take it under advisement.
- xiv. After all evidence has been presented, the Presider may ask the parties if there is additional relevant information that has not been presented that would make a continuance in order. The presider will entertain objections and rule on the admissibility of the evidence or exhibit.

- xv.** Unless the Presider continues the public hearing to the next regularly scheduled quasi-judicial meeting of the Hearing Body or to a publicly stated date, time and location, the Presider shall close the period for public discussion. The Hearing Body shall publicly discuss without further general input from the public. Members of the Hearing Body, however, may seek clarification or ask questions of persons previously sworn in on any piece of evidence presented.
- xvi.** Unless the hearing has been continued, the Hearing Body shall render a decision on the matter, or, if it so chooses, recess the case to the next regularly scheduled quasi-judicial meeting of the Hearing Body or to a publicly stated date, time, and location. The Town Council may approve an application by a vote of the majority of the members. The BOA may approve variance only by a vote of four-fifths (or super-majority vote) of the members of the Board (excluding vacant positions and members who are disqualified from voting, if there are no qualified alternatives available); all other BOA or quasi-judicial decisions may be made by majority vote.
- xvii.** If a motion to approve an applications fails to receive the required majority or super majority vote, the application is effectively denied. However, even in such cases, a vote shall be required to formally deny the application and provide supporting findings of fact and conclusion. Conversely, if a motion to deny an application fails, this does not mean the application is approved. An application can only be approved through an affirmative vote.
- xviii.** The Hearing Body may attach conditions to the approval of any application in accordance with existing state law and Town Code.
- xix.** A written decision, or final order, must be approved for every quasi-judicial application. As part of the written decision, the Hearing Body must make findings of fact and conclusions as to the applicable standards and any conditions. The Presiding Officer of each Hearing Body shall have the authority to sign and approval all quasi-judicial final orders.

h. Burden of Proof, Testimony, and Evidence.

- i. Burden of Proof for Special Use Permits and Subdivision/Site Plan Approvals: The applicant has the burden of producing sufficient substantial, competent and material evidence for the Hearing Body to conclude that the standards of the application land development ordinances (LDO) have been met. If the applicant meets all standards of the LDO, the applicant is entitled to approval unless those oppose to the application produce substantial, competent and material evidence that one or more of the standards have not been met. If the applicant fails to put forth sufficient evidence to show they meet all criteria, then the Hearing Body must deny the application. For example, for a special use permit, the applicant must establish that the application meets the specific criteria for the specific use proposed and that it meets all of the general criteria of the LDO. For Subdivision/Site Plans, the applicant must establish that the application meets the applicable criteria of the LDO.
- ii. Burden of Proof for Variances: The Applicant has the burden of producing sufficient substantial, competent and material evidence for the Hearing Body to conclude that unnecessary hardships would result from carrying out the strict letter of the zoning ordinance. The BOA must deny a request for a variance unless the applicant puts forth sufficient evidence that all of the criteria of the LDO have been met.

- iii. Burden of Proof for Appeals: Appeals of administrative decisions are only quasi-judicial decisions in the limited sense that they require the same due process protections as given in other quasi-judicial proceedings (For example, the rights to present evidence and cross-examine). Unlike other quasi-judicial decisions, however, an appeal of an administrative decision presents a question of law, which the Hearing Body considers de novo. "De novo" means the Hearing Body is not bound by the ordinance interpretation of Town staff. Instead, the Hearing Body must seek to interpret the ordinance so as to give the effect to the Town Council's intent when it adopted the ordinance. The Hearing Body shall not reverse or modify an administrative decision unless it finds that the administrative officer erred in the application or interpretation of the terms of the LDO, Town Code, or related policies adopted by the Town. The other common rules of statutory construction apply as well. Appeals are typically in the nature of certiorari to the superior court as set forth in N.C.G.S. § 160A-393.
- iv. Testimony and Evidence: All law and expert testimony, including the Town staff, must be sworn testimony. All persons wishing to speak will be given a reasonable time in which to be heard; however, groups are encouraged to select a spokesperson to speak for the group in order to avoid repetitive testimony. Inflammatory, irrelevant, repetitive and incompetent testimony and hearsay is not permitted. The Hearing Body's decision must be based on substantial, competent, and material evidence. Substantial evidence is "that which a reasonable mind would regard as sufficiently supporting a specific result." Competent evidence is evidence that can be subjected to cross-examination, inspection, explanation and rebuttal. Courts often refer to the competent evidence as being "admissible." Material evidence is evidence that is relevant to the issue being considered by the Hearing Body.

v. Lay Versus Expert Testimony: As a general rule, anyone with relevant knowledge to the case may provide factual information, but only experts may provide opinion testimony. Lay witnesses may provide opinion testimony. Lay witnesses may provide opinion testimony, but this testimony is generally deemed incompetent unless it is corroborated by competent evidence or prevented by law. Expert testimony must be competent wherein the expert has qualifications relevant to the matter before the Hearing Body. Under N.C.G.S. § 160A-393(k)(3) expert testimony is required in three (3) cases:

- a. The use of property in a particular way would affect the value of other property;
- b. The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety; and
- c. Other matters about which only expert testimony would generally be admissible under the rules of evidence, such as the level of noise that will be generated.

i. Conditions of Approval

i. Conditions Generally: The Hearing Body may attach conditions to approvals of special use permits, subdivision and site plans, and variances, and such other approvals as law may permit. For special use permits and subdivision and site plans, conditions must be reasonable and appropriate and limited to those that require changes in a project "that are necessary to bring the project into compliance with the standards" of the applicable statutes and ordinances. For variances, conditions must be "reasonably related to the variance."

Conditions cannot require the applicant to take action with regard to a piece of property that is not a part of the application being considered, and conditions cannot require the alteration of a special use permit previously issued to a third party.

- ii. Conditions of Appeals Decisions: Unlike conditions on special use permits, subdivision plans, site plans, and variances, the Hearing Body's authority in an appeal is limited to reversing or affirming, wholly or partly, or modifying the staff decision. Moreover, the Hearing Body only have the powers of the officer from whom the appeal is taken. An appeal of an administrative decision cannot be used to impose conditions or vary the ordinance.
- j. **Written Decision.** The Hearing Body must reduce its decision to writing, and the written decision must reflect the Hearing Body's determination of contested facts and their application to the specific standards for the particular use and the general standards contained in the LDO for special uses, for subdivision plans and site plans, for variances, and for reasonable accommodations. For approvals or denials of these types of applications, the Hearing Body should make conclusions as to each applicable standard as appropriate. Even if the Hearing Body denied an application because it fails to meet one or two criteria, the better practice is to make findings of fact and conclusions as to all standards, so the record is clear in the event the decision is appealed.

There are no specific LDO standards that apply to the appeal of an administrative decision; instead, the Hearing Body should make findings of fact and conclusions that are relevant to the specific ordinance that is at issue in the appeal. Findings must also be made to support conditions attached to any approval. The written decision must be signed by the Presider or other authorized member of the Hearing Body and becomes effective upon filing with the Town Clerk and being distributed to all parties. A copy of the written decision must be delivered to the applicant, property owner, and others as required by state law.

- k. **Withdrawal of the Application.** An application or appeal will be considered to have been withdrawn under the following circumstances:
 - i. The applicant submits a written request to withdraw the application or appeal;
 - ii. The property owner, if different than the applicant, submits a notarized request to withdraw the application or appeal;
 - iii. The Hearing Body requests the applicant to furnish additional information within a specified period of time, and such information is not furnished by the applicant within the time period allowed;

- iv. Without prior notification to the Presider or Town Clerk, the applicant does not appear at the scheduled hearing to testify regarding the merits of the application; or
- v. The applicant appears at the scheduled hearing and requests that the application be withdrawn.

I. **Reconsideration/Reopening.** Substantive decisions on the merits of a request cannot be reconsidered and decided cases cannot be reopened following the approval of a written decision. If there has been a material change in circumstances, the case may be submitted as a new case under the zoning ordinance.

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ACTIONS TAKEN BY COUNCIL IN MEETINGS

MOTION

The Council shall proceed by motion. Any member may make a motion, including the Mayor.

SECOND REQUIRED

A motion shall require a second. Any motion without a second shall fail.

ONE MOTION AT A TIME

Am member may make only one motion at a time.

SUBSTITUTE MOTION

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

ADOPTION BY MAJORITY VOTE

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws North Carolina.

DEBATE

The Mayor shall open the floor to discussion among the Town Council members on each motion, after a second is received, and shall preside over the discussion according to the following general principles:

- a.** The introducer (the member who makes the motion) is entitled to speak first.
- b.** A member who has not spoken on the issue shall be recognized before a member who has already spoken.
- c.** To the extent possible, the debate shall alternate between opponents and proponents of the measure.

RATIFICATION OF ACTIONS

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

If the Town Council declines to ratify an action taken on its behalf without prior approval, the action shall have no legal effect, and the Council shall bear no responsibility for the outcome of such action, unless otherwise required by law.

Individuals acting without prior authority may be subject to disciplinary action or may bear personal liability for unauthorized commitments or representations made in the name of the Town Council.

PROCEDURAL MOTIONS

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

- a. To Adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
- b. To Take a Brief Recess
- c. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.
- d. To Suspend the Rules of Procedure. The motion requires, for adoption, a vote equal to two-thirds of the actual membership of the Town Council, excluding vacant seats. The Town Council may not suspend provisions of the rules that are imposed by state law. Suspending the rules of procedure may be done so with a clear consensus of the Town Council with no objection being raised.
- e. To Divide a Complex Motion and Consider It by Paragraph.
- f. To Defer Consideration. A substantive motion, whose consideration has been deferred, expires one hundred (100) days thereafter unless a motion to revive consideration is adopted.
- g. Call of the Previous Question. This motion is not in order until there has been at least ten (10) minutes of debate and every member has had an opportunity to speak once.
- h. To Postpone to a Certain Time or Day (Recess)
- i. To Refer to a Committee. Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Council, whether or not the committee has reported the matter to the Town Council.

j. To Amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adopted of the amended motion has the same effect as rejection of the original motion.

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.

k. To Revive Consideration. The motion is in order any time within one hundred (100) days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires one hundred (100) days after the deferral unless a motion to revive consideration is adopted.

l. To Reconsider. This motion must be made by a member who voted on the prevailing side, and only at the meeting during which the original vote was taken. The motion cannot interrupt deliberation on a pending matter but it is in order at any time before adjournment.

m. To Rescind or Repeal. The motion is permitted unless such rescission or repeal is prohibited by law or would violate legal rights that have already vested as a result of the original action.

n. To Prevent Reconsideration for Six (6) Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion required for adoption, a vote equal to two-thirds of the actual membership of the Town Council, excluding vacant seats. If passed, the restriction imposed by the motion remains in effect for six (6) months or until the next organizational meeting of the Town Council, whichever occurs first.

This motion shall not be in order for any of the following:

- a. Text Amendments;
- b. Zoning Map Amendments;
- c. Development Applications; or
- d. Requests for Development Approvals

WITHDRAWAL OF MOTION

A motion may be withdrawn by the introducer at any time before a vote.

DUTY TO VOTE

Every member must vote unless excused by the remaining members according to State law. A Town Council member who wishes to be to be excused from voting shall so inform the Presider, who shall take a vote of the remaining members. No 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 member who is physically present in the Council Chamber or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

Votes shall only be recorded as unanimous if all members physically present vote in favor.

INTRODUCTION OF ORDINANCES

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by Town Council.

ADOPTED OF ORDINANCES

An affirmative vote equal to a simple majority of all Town Council members not excused from voting on the question shall be required to adopt an ordinance or to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the Town. In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date on which it is to be introduced by an affirmative vote equal to or greater than two-thirds of all Town Council members, excluding vacant seats.

No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

ADOPTION OF THE BUDGET ORDINANCE

Notwithstanding the provisions of the Town Charter, general law, or local act:

- a.** Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special 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 need to be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by Town Council.

- 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.

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 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 concerning the call of special meetings applies during that period so long as:

- a. Each Town Council member has actual notice of each Special Meeting called for the purpose of considering the budget;
- b. No business other than consideration of the budget is taken. This rule does not allow and may not be construed to allow the holding of closed session meetings; or Executive session by the Town Council if it is otherwise prohibited by law from holding such a meeting or session.

CLOSED SESSIONS:

Town Council may hold closed sessions as provided by law (See N.C.G.S. §143-318.11). Town Council shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the general purpose of the closed session and must be approved by the vote of the majority of those present and voting. Council shall terminate the closed session by a majority vote.

Only those action specifically authorized by statute may be taken in closed session. A motion to adjourn or recess to a certain time and date shall not be in order during a closed session. This does not preclude a brief recess.

SPECIAL, EMERGENCY, & ADJOURNED MEETINGS

- a. **Special Meetings.** The Mayor, Mayor Pro-Tempore, or any two (2) Town Council members may at any time call a special council meeting by signing a written notice stating the time and place of the meeting and the subject(s) to be considered. At least forty-eight (48) hours before a special meeting is called in this manner, written notice of the meeting stating its time and place and the subject(s) to be considered shall be:
 - i. Delivered to the Mayor and each Town Council member or left at his or her usual dwelling place;
 - ii. Posted on the Town's principle bulletin board; and

- iii. 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.

Only those items of business specified in the notice may be transacted at a Special Meeting called in this manner.

A Special Meeting may also be called or scheduled by vote of the Town Council in open session during another duly called meeting. The motion or resolution calling or scheduling the Special Meeting shall specify the time, place, and purpose. At least forty-eight (48) hours before a Special Meeting is called in this manner, notice of the time, place, and purpose of the meeting shall be:

- i. Posted on the Town's principle bulletin board; and
- ii. 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.

Such notice shall be mailed or delivered at least forty-eight (48) hours before the meeting to each Town Council member and to the Mayor if they were not present at the meeting at which the Special Meeting was scheduled.

- b. **Emergency Meetings.** The Mayor, the Mayor Pro-Tempore, or any two (2) Town Council members may at any time call an Emergency 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 the Mayor and each Town Council member or left at their usual dwelling place at least six (6) hours before the meeting. Notice of the meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting requests, which includes the newspapers, wire services, or stations telephone number, with the Town Clerk. This notice shall be given by the same method used to notify the Mayor and Town Council members and shall be given at the expense of the party notified.

Emergency Meetings shall only be called because of general unexpected circumstances that require immediate consideration by the Town Council. Only business connected with the emergency may be considered at an emergency meeting.

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

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REMOTE PARTICIPATION POLICY FOR MEETINGS GOVERNED BY THE TOWN OF SELMA

Members of the Town of Selma Town Council or any appointed Board/Commission member (Member) may remotely participate in meetings, subject to the following rules and procedures:

- a.** Remote participation may be used only in limited circumstances and shall not be used more than two (2) regular scheduled meetings per calendar year. A Member desiring to participate in a meeting remotely must assert one or more of the following four (4) reasons in writing for being physically unable to attend the meeting:
 - a.** Personal illness or disability;
 - b.** Employment purposes;
 - c.** Family or another personal emergency; or
 - d.** To participate in other scheduled Town related meetings which make it logistically impossible to attend the Council meeting.
- b.** Remote participation may be allowed only during open sessions when a quorum of the Council is physically present at the meeting and the Member participating remotely is not necessary to establish a quorum.
- c.** A Member desiring to participate in a meeting remotely must notify the Town Clerk of the need for remote participation and request approval by the Mayor or presiding officer of their remote participation in writing at least twenty four (24) hours prior to the start of the meeting unless advance notice is impractical. No Member shall be eligible for more than two (2) requests for remote participation for regular scheduled meetings within a calendar year.
- d.** At the start of the official meeting and prior to participating on deliberations, the Mayor or presiding officer shall announce that a Member is participating remotely, stating their ability to participate is limited to deliberations only. A Member participating remotely shall not vote on any matters related to Town business as their remote participation shall not count towards quorum. Such Member shall identify themselves at the start of the regular meeting.
- e.** A Member participating remotely shall be allowed to participate in all open session briefing and meeting discussions. A Member participating remotely shall not vote on any matters related to Town business. Official action initiated by a Member participating remotely shall be addressed by the presiding officer and shall not be recorded.

- f. A Member participating remotely shall be provided any and all relevant documents being considered during the regular meeting.
- g. A Member participating remotely shall participate simultaneously by electronic communication and must be fully heard by other Members of and any other individuals in attendance at the regular meeting. Use of telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another is necessary. If clear audio is not available, the Mayor or presiding officer may elect to disallow or discontinue the remote participation.
- h. The only exception to this policy is that remote participation by electronic means by and all Council members is permissible during a state of emergency declared pursuant to N.C.G.S. 166A-19.24 of the North Carolina General Statutes and Article 36A Chapter 14 of the North Carolina General Statutes and shall be consistent with the North Carolina Open Meetings Law. During the state of emergency, the 24-hour notice requirement shall be waived and the Council may conduct closed sessions, as by law provided.
- i. This policy shall be applicable to the Selma Town Council and any Board/Commission governed by the Selma Town Council.

MEETING MINUTES

Full and accurate minutes of the Council Meetings shall be kept and shall be open to the inspection of the public, except as otherwise provided in this rule. The results of each vote shall be recorded in the minutes and indicate those in favor and those opposed.

Full and accurate minutes shall be kept of all actions taken during closed sessions. Minutes and other records of a closed session may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

Exhibits and items approved during Council meetings may be included in the official meeting minutes following approval of those minutes. The inclusion of such exhibits shall be at the discretion of the Town Clerk, who will determine whether the materials are appropriate for public dissemination and do not contain sensitive or confidential information. Additionally, the governing body may request the inclusion of specific exhibits in the minutes. All included exhibits shall be properly referenced in the body of the minutes for clarity and record-keeping purposes.

Closed session minutes and general accounts shall be prepared as soon as possible following each meeting. Closed session minutes shall be presented to each Council member and the Town Attorney individually for approval prior to the next scheduled meeting where the minutes shall be approved with the regular meeting minutes. Any objections and/or amendments to closed session minutes shall be addressed a minimum of two (2) weeks following the next regular scheduled meeting.

VACANCIES (NC General Statute: §160A-63)

A vacancy that occurs in an elective office of a city shall be filled by appointment of the city council. If the term of the office expires immediately following the next regular city election, or if the next regular city election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled city election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term. If the number of vacancies on the council is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make up a quorum, and the council shall then proceed to fill the remaining vacancies. If the number of vacancies on the council is such that a quorum of the council cannot be obtained and the office of mayor is vacant, the Governor may fill the vacancies upon the request of any remaining member of the council, or upon the petition of any five registered voters of the city. Vacancies in appointive offices shall be filled by the same authority that makes the initial appointment. This section shall not apply to vacancies in cities that have not held a city election, levied any taxes, or engaged in any municipal functions for a period of five years or more.

In cities whose elections are conducted on a partisan basis, a person appointed to fill a vacancy in an elective office shall be a member of the same political party as the person whom he replaces if that person was elected as the nominee of a political party. (R.C., c. 111, ss. 9, 10; Code, ss. 3793, 3794; Rev., ss. 2921, 2931; C.S., ss. 2629, 2631; 1971,

c. 698, s. 1; 1973, c. 426, s. 11; c. 827, s. 1; 1983, c. 827, s. 1.)