



Leading Your County Governing Board

Legal and Procedural Responsibilities

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Webinar

Access online at

www.ncacc.org/chairs



Checklist



- Role of the Chair
- Legal Authority of the Chair
- Rules of Procedure
- County Statutes
- Ethics
- Conducting Business
- Public Meetings/Closed Sessions
- Public Comment Period
- Public Records



Role of the Chair

Maintain order and decorum

Direct flow of business on agenda

Recognize members to speak

Enforce rules of procedure consistently and fairly

Rule on questions of procedure





Legal Authority of the Chair

N.C. Gen. Stat. § 153A-39, -40

- Unless Chair is elected, the Board selects for one-year term
- Chair is presiding officer; Vice Chair acts when Chair absent
- Unless excused by rule of the board, the Chair has a duty to vote
- Chair cannot break a tie vote in which he or she voted
- Chair may call a special meeting (e.g., in emergency)



Rules of Procedure



N.C. Gen. Stat. § 153A-41. Procedures.

The board of commissioners may adopt its own rules of procedure, in keeping with the size and nature of the board and in the spirit of generally accepted principles of parliamentary procedure.



Rules of Procedure

- Meetings
 - Regular; Special; Emergency
- Agendas
- Powers of the Chair
- Actions; Motions; Debate
- Quorum/Voting
- Closed Sessions
- Public Comment





County Statutes

N.C. General Statute provisions addressing County governance





County Statutes

Organization & Procedures of Board of Commissioners (G.S. 153A-39 to -53)



- The Board must hold at least one regular meeting a month (G.S. 153A-40)
- The Board must meet in the county unless an exception applies (G.S. 153A-40)
- The Clerk must keep minutes of Board proceedings (G.S. 153A-42)
- A quorum = A majority of the Board (G.S. 153A-43)



Ethics



G.S. 153A-53

G.S. 160A-86, -87

- Board of Commissioners required to adopt Code of Ethics
- All members must receive ethics education

- Obey all applicable laws regarding official actions taken as a board member.
- Uphold the integrity and independence of the board member's office.
- Avoid impropriety in the exercise of the board member's official duties.
- Faithfully perform the duties of the office.
- Conduct the affairs of the governing board in an open and public manner, including complying with all applicable laws governing open meetings and public records.



Setting the Agenda

- The board is *ultimately responsible* for its own meeting agendas
- Preparing a preliminary agenda may be *delegated*
- A majority of the board can generally *amend* the agenda
- Is there a *legal restriction* on the subject-matter of the meeting (regular, special, etc.)?





Determining a Quorum

Quorum (G.S. 153A-43)



- A majority of the membership of the Board constitutes a quorum.
- This number is not affected by vacancies.
- A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for the purposes of determining whether a quorum exists.
- The Board may compel the attendance of an absent member by ordering the sheriff to take the member into custody.



Voting

Members Excused from Voting (G.S. 153A-44)



- The Board may excuse a member from voting, but only upon questions involving the **member's own financial interest or official conduct** or on matters on which the member is **prohibited from voting under G.S. 14-234, 153A-340(g), or 160A-388(e)(2)**.
- Does not apply to questions of compensation and allowances of Board members.



Public Meetings

G.S. Chapter 143, Article 33C

Each official meeting of the Board is open to the public*

*Unless an exception applies (e.g., Closed Sessions)





Closed Sessions

When should Board meet in Closed Session?
(G.S. 143-318.11)



- To prevent disclosure of **confidential or privileged information**
- To prevent disclosure of information that is **not public** record
- To discuss **economic development** incentive negotiations, or matters related to **military installation closure or realignment**
- Matters concerning **real property or employment contract terms**



Public Comment Period



Public Comment Period During Regular Meetings (G.S. 153A-52.1)

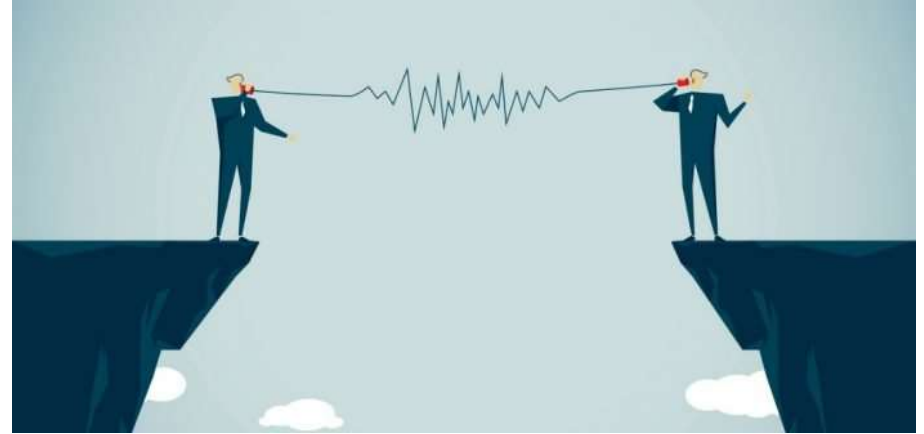
- The Board must provide at least one period for public comment per month at a regular meeting of the board.
- The Board may adopt reasonable rules to govern (i) setting **maximum time** per speaker; (ii) designating a **group spokesperson**; (iii) selecting **group delegates** and (iv) maintaining **order and decorum**.

The Board is not required to provide a public comment period if no regular meeting is held during the month... [but G.S. 153A-40 requires at least one regular meeting a month]



Remote Attendance at Meetings

- No authorizing legislation
- Recommendation, if done, is under limited circumstances
- Specific county examples





Public Records



G.S. Chapter 132

- All documents, records, and materials (regardless of physical form) made or received in connection with the transaction of public business
- State policy that public can obtain copies of public records for free or at “minimal cost”
- Records are public unless exception applies



You're Not In This Alone!



- County Manager
- Clerk to the Board
- County Attorney
- Other County Staff



And Remember...

**Proceed with Procedure
Like No One is Watching**

