

TOWN OF APEX HOUSING ADVISORY BOARD

RULES OF PROCEDURE

1. Regular Meetings

Regular meetings of the Housing Advisory Board shall be held at _____ p.m. on the _____ of every quarter (every three (3) months) and shall be held in the Apex Town Hall Third Floor Training Room A or virtually in a state of emergency. A copy of the Board's current meeting schedule shall be filed with the Town Clerk.

2. Special Meetings

The Chair, Vice-Chair, or any two members of the Board may at any time call a Special Board meeting by signing a written notice stating the date, time, place and the subjects to be considered. At least forty-eight (48) hours before a special meeting called in this manner, written notice of the meeting stating its date, time, place, and the subjects to be considered shall be emailed to each Board member, posted on the Town bulletin board, and published on the Town's website. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all Board members are present or have signed a written waiver of notice. All special meetings shall be held in the Apex Town Hall Third Floor Training Room A or virtually in a state of emergency.

A special meeting may also be called or scheduled by vote of the Board in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its date, time, place, and the subjects to be considered. At least forty-eight (48) hours before a special meeting called in this manner, written notice of the date, time, place, and the subjects to be considered shall be posted on the Town bulletin board and published on the Town's website. Such notice shall also be emailed at least forty-eight (48) hours before the meeting to each Board member not present at the meeting at which the special meeting was called or scheduled.

A properly called regular or special meeting may be adjourned or recessed by a procedural motion made and adopted as provided in Rule 13 in open session during the regular or special meeting. The motion shall state the date, time and place when a recessed meeting will reconvene. No further notice need be given of an adjourned or recessed session of a properly called regular or special meeting. Regular or special meetings shall be reconvened in the Apex Town Hall Third Floor Training Room A or virtually in a state of emergency unless otherwise specified in the motion to adjourn or recess.

3. Agenda

At the direction of the Chair, the non-voting secretary to the Housing Advisory Board or designee shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least seven (7) calendar days before the meeting. Any Board member may have an item placed on the agenda so long as the request is timely. Each Board member shall receive a copy of the proposed agenda by email and the agenda shall be available for public inspection and distribution or copying when it is distributed to the Board members.

4. Voting and Non-Voting Board Members

All Housing Advisory Board members excluding the Town Council member and Planning Board member are considered voting Board members.

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5. Office of Chair

The Chair shall preside at all meetings of the Board and may vote in all cases. The Chair shall be considered a Board member for all purposes, including the determination of whether a quorum is present. In order to address the Board, a member must be recognized by the Chair.

The Chair shall have the following powers:

- a. To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- b. To determine whether a speaker has gone beyond reasonable time, standards, or courtesy in his or her remarks and to entertain and 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; and
- e. To adjourn in an emergency.

6. Office of Vice Chair

A Board member who serves as Vice-Chair shall be entitled to vote on all matters and shall be considered a Board member for all purposes, including the determination of whether a quorum is present. In the Chair's absence, the Vice-Chair shall exercise the Chair's powers and duties. If both the Chair and Vice-Chair are absent from a meeting, the Board may elect from among its Board members a temporary chair to preside at the meeting.

7. Presiding Officer When the Chair is in Active Debate

The Chair shall designate the Vice-Chair (if not in active debate) or another Board member (not in active debate) to preside over the debate. The Chair shall resume presiding as soon as action on the matter is concluded.

8. Action by the Board

The Board shall proceed by motion. Any Board member may make a motion. A motion does not require a second.

9. One Motion at a Time

A Board member may make only one motion at a time.

10. Substantive Motions

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

11. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast by voting Board members and a quorum being present, unless otherwise directed by these rules or the law of North Carolina. A majority is more than half.

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12. Debate

The Chair shall state the motion and then open the floor to debate. The Chair shall preside over the debate according to the following general principles:

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

13. Procedural Motions

The following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast by voting Board members, and a quorum being present of voting Board members for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

In order of priority (if applicable), the procedural motions are:

- a. To Adjourn. The motion may be made only at the conclusion of action on a pending substantive matter; it cannot interrupt deliberation of a pending matter. A motion to adjourn or recess to a time and place certain shall also comply with the requirements to Rule 2.
- b. To Take a Brief Recess.
- c. 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.
- d. To Suspend the Rules. The motion requires for adoption a vote equal to two-thirds of the voting membership of the Board. The Board may not suspend provisions of the rules that state requirements imposed by law on the Board.
- e. To Divide a Complex Motion and Consider It by Paragraph.
- f. To Postpone Definitely or Indefinitely. A substantive motion, the consideration of which has been postponed definitely for more than 30 days or indefinitely, may result in an item being heard by the Town Council without a recommendation by the Board.
- g. Call of the Previous Question. The motion is not in order until every member has had an opportunity to speak at least once. The motion requires for adoption a vote equal to two-thirds of the voting membership of the Board.
- h. To Postpone to a Certain Time or Day
- i. To Amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption 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.
- j. To Reconsider. The motion must be made by a voting Board member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of the meeting through adjournment of the meeting;

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however, its consideration cannot interrupt deliberation on a pending matter. The motion denominated “to reconsider and enter on the minutes” shall not be in order.

- k. To Rescind or Repeal. The motion is not in order if rescindment or repeal of an action is forbidden by law.

14. Withdrawal of Motion

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

15. Duty to Vote

Every voting member must vote unless recused by the remaining Board members according to law. A voting member who wishes to be recused from voting shall so inform the Chair, who shall take a vote of the remaining voting members. No voting member shall be recused from voting except upon matters involving the consideration of his or her own financial interest or official conduct. In all other cases, a failure to vote by a voting member who is physically present in the Board meeting room, who has withdrawn without being recused by a majority vote of the remaining voting members present, shall be recorded as an affirmative vote.

16. Quorum

A majority of the membership of the Board, excluding non-voting members and vacant seats, shall constitute a quorum. A majority is more than half. A voting member who has withdrawn from a meeting without being recused by a majority vote of the remaining voting members present shall be counted as present for purposes of determining whether or not a quorum is present.

17. Minutes

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

18. Reference to Robert's Rules of Order

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 Board shall refer to Robert's Rules of Order, Revised, to answer unresolved procedural questions.

Adopted this the 28th day of January, 2022.

Philip J. Welch, Jr., Housing Advisory Board Chair