

# **WINSTON-SALEM CITY COUNCIL**

## **RULES OF PROCEDURE**

**Draft: March 17, 2025**

### **INTRODUCTION**

The rules of procedure were designed and adopted for the benefit and convenience of the Winston-Salem City Council and are intended to describe the rules and guidelines by which the City Council operates. Additionally, the rules of procedure will help City Council conduct its affairs in a timely and efficient manner and serve as a quick reference for resolving policy and procedural questions during meetings and work sessions. The rules of procedure do not supersede the provisions of the City Charter or Code of Ordinances and do not create substantive rights for third parties or participants in proceedings before the City Council. Further, the City Council reserves the right to suspend or amend the rules of procedure whenever a majority of City Council decides to do so. The failure of the City Council to strictly comply with the rules of procedure shall not invalidate any action of the City Council.

The rules of procedure should be reviewed and adopted, following an election year, at the organization meeting of City Council and may be reviewed annually as desired by City Council.

### **SECTION 1 – PURPOSE AND BASIC PRINCIPLES**

#### **Section 1-1. Purpose of Rules of Procedure**

- A. To enable the Winston-Salem City Council to transact business fully, expeditiously, and efficiently while affording every opportunity for residents to witness the operations of government.
- B. To protect the rights of each individual council member.
- C. To preserve a spirit of cooperation among council members.
- D. To determine the will of the City Council on any matter.

#### **Section 1-2. Basic Principles Underlying Rules of Procedure**

- A. The City Council must act as a body.

- B. The business of the City Council should proceed in the most efficient manner possible.
- C. The will of the majority must be carried out; and the rights of the minority must be preserved.
- D. Every council member must have equal opportunity to participate in decision making.
- E. City Council's rules of procedure must be followed consistently.
- F. City Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules.
- G. Only one subject may claim the attention of City Council at one time.
- H. Each item presented for consideration is entitled to full and free discussion.
- I. Every council member has equal rights to participate and vote on the issues.

## **SECTION 2 – MEETINGS**

### **Section 2-1. Organizational Meeting** *(Code Sec.2-31)*

In those years in which City Council elections are held, an organizational meeting of the council shall be held on the first Monday in December, after the election. Before entering upon their duties, each council member shall qualify by taking the oath provided in G.S. 11-7. (Attachment A) The oath must be signed and filed with the city clerk.

The purpose of the organizational meeting shall be the taking of oaths, election of a Mayor-Pro-Tempore, the appointment of council members to standing committees, boards and multi-jurisdictional agencies, and the conduct of such organizational business as may come before the City Council.

Appointments of council members to committees, boards and multi-jurisdictional agencies shall be distributed by the mayor prior to the organizational meeting and shall become effective when approved by a vote of City Council.

The City Council will acknowledge and adopt the Code of Conduct (Attachment B) and the Rules of Procedure at its organizational meeting.

### **Section 2-2. Adoption of an Annual Calendar and Meeting Schedule** *(Code Sec. 2-33(f))*

The time and place of the Winston-Salem City Council meetings shall be established annually in a resolution that sets forth a calendar of the regular meetings (which may include scheduled and advertised public hearings), work sessions, and standing committee meetings (Finance, Public Works, Public Safety, and General Government).

The city clerk shall keep the schedule of the City Council's regular meetings and of the meetings of the committees of the City Council, showing the time and place of their meetings, and shall report any changes in the schedule of regular meetings. Amendments to the schedule should be adopted at least seven days before the first meeting held pursuant to the revised schedule.

**Section 2-3. Regular meetings and public hearings. (Code Sec. 2-33(a))**

In general, regular meetings of the City Council, which may include scheduled and advertised public hearings, will be held on the first and third Monday of each month beginning at 6:00 p.m. in City Council Chambers, located on the second floor at City Hall. Regular meetings and public hearings are broadcast on Spectrum channel 13 and are live streamed on the City's website.

**Section 2-4. Legal Holidays (Code Sec. 2-33(a))**

When a regular meeting of the City Council falls on a legal holiday, the City Council will schedule the meeting for the following Tuesday, unless otherwise indicated on the adopted annual calendar.

**Section 2-5. Standing Committee meetings.**

In general, regular meetings of the City Council standing committees will be held on the second Monday and Tuesday of the month in the council committee room on the second floor at City Hall. On Monday, Public Safety will begin at 2:00 p.m. and General Government will begin at 4:00 p.m. On Tuesday, Public Works will begin at 2:00 p.m. and Finance will begin at 4:00 p.m. Standing committee meetings held in City Hall will be broadcast on Spectrum channel 13 and live streamed on the City's website.

**Section 2-6. Work sessions or Committee of the Whole.**

Work session or Committee of the Whole meetings may be held in place of individual standing committee meetings or when desired for the benefit of discussion by the entire City Council. Work sessions are generally held in the second floor Council Committee room at City Hall and are broadcast on Spectrum channel 13 and live streamed on the City's website. Work sessions outside of the second floor Council Committee room are not televised or streamed.

### **Section 2-7. Special or Emergency Meetings (Code Sec. 2-33(g))**

The City Council may schedule special meetings as it deems necessary with the dates and times adopted as part of the annual calendar or announced in accordance with all legal requirements. Special meetings and emergency meetings of the City Council may be called at any time by the mayor, the mayor pro tempore or a majority of the City Council signing a call for such meeting. No business shall be transacted at a special meeting but that for which it shall be called, unless the City Council agrees unanimously to consider such action.

The city clerk shall immediately notify the members of the City Council of the time and place designated and the purpose of any special or emergency meeting. Additionally, the meeting shall be added to the city calendar, and the city clerk shall notify the local press and any individuals requesting notification of special meetings of the City Council. The city clerk shall maintain lists for the City Council and for committees of the City Council of those news organizations requesting notice of special and emergency meetings.

### **Section 2-8. Special Meeting Procedures (Code Sec. 2-33(g))**

A. The city manager shall cause an agenda of every special meeting of the City Council to be prepared and to be sent out for delivery to the mayor and to each council member at least 48 hours prior to the time for which the meeting is scheduled. Supporting documents and information as to each agenda item shall accompany the agenda to the extent deemed by the city manager to be reasonably necessary to apprise the mayor and the council members of the substance of each item, and to the extent available at the time the agenda is sent out. With respect to all lengthy or complicated ordinances or other items, the city manager shall cause to be prepared and to be delivered along with such ordinances or other items a concise summary or explanation thereof, preferably no more than two pages in length, for the use and benefit of the mayor and council members in their study of the agenda items. A failure to comply with the provisions of this subsection shall not affect the validity of actions of the City Council.

B. Unless otherwise provided herein, at least 48 hours prior to any special meeting, notice indicating the time, place and object of the special meeting must be provided by: (1) leaving a written meeting notice at the usual dwelling place of the council member; or (2) calling the council member and sending subsequent thereto the meeting notice by electronic means; or (3) sending the meeting notice by electronic means.

C. No business shall be transacted at such meeting other than the business indicated in the notice unless all members are present or have signed a written waiver of notice. If it is impossible to make contact with the council member through personal delivery, telephonic or electronic means, a copy of such notice shall be left with an adult member of their household or posted at the front entrance of the residence. Notice so given shall be deemed actual notice for all purposes. If the City Council votes at a regular or special meeting to schedule a special meeting, the aforementioned notice provisions shall be satisfied with respect to all council members voting and present at such meeting. Special meetings may also be held when the mayor and all members of the City Council are present and consent thereto, or when those not present have signed a written waiver.

D. Written notice of special meetings shall be posted on the principal bulletin board of the public body, or, if there is no such bulletin board, on the door of the usual meeting room. Notice shall be mailed or delivered to each newspaper, wire service, radio station, television station or person who has properly filed a written request for notice with the city clerk. Further, notice of special meetings shall be posted and ~~mailed or electronically delivered~~ at least 48 hours before the time of the meeting. ~~The City Council shall charge each person other than news media submitting a request for notice of special meetings a fee of \$10.00 per year.~~

#### **Section 2-9. Emergency Meeting Procedures (Code Sec. 2-33(h))**

A. Notice by telephone shall be given to each local newspaper, local wire service, local radio station and local television station that has properly filed a written request for notice with the city clerk immediately after notice has been given to members of the City Council or its committees.

B. An emergency meeting may be called because of generally unexpected circumstances that require immediate consideration, and at such meeting only business connected with the emergency may be considered.

## **SECTION 3 – THE AGENDA**

### **Section 3-1. Publishing the Agenda** *(Code Sec. 2-33)*

At the direction of the city manager, the city clerk shall be responsible for the publication of agendas for all noticed and scheduled meetings of the City Council.

### **Section 3-2. Distribution of the Agenda** *(Code Sec. 2-33(e))*

A. The city manager shall cause an agenda of every regular meeting of the City Council to be prepared and to be sent out for delivery to the mayor and each council member at least 48 hours prior to the time for which the meeting is scheduled. Supporting documents and information as to each agenda item shall accompany the agenda to the extent deemed by the city manager to be reasonably necessary to apprise the mayor and the council members of the substance of each item, and to the extent available at the time the agenda is sent out.

B. With respect to all lengthy or complicated ordinances or other items, the city manager shall cause to be prepared and to be delivered along with such ordinances or other items a concise summary or explanation thereof, preferably no more than two pages in length, for the use and benefit of the mayor and council members in their study of the agenda item. A failure to comply with the provisions of this subsection shall not affect the validity of actions of the City Council.

C. The city clerk shall publish agendas and related materials (the agenda packet) to the city's website and electronic devices used by City Council in a timely manner to allow the public and elected officials time to review.

D. Copies of the agenda in electronic form will be available at City Hall for inspection and review by any member of the public.

## **SECTION 4 – ORDER OF BUSINESS FOR COUNCIL MEETINGS**

### **Section 4-1. Order of Business** *(Code Sec. 2-38 & 39)*

A. Unless otherwise provided by the council adopted rules of procedure, the deliberations of the City Council shall be governed by Robert's Rules of Order, Newly Revised.

B. Voting of the City Council shall be in accordance with the provisions of the General Statutes of the state of North Carolina.

C. The agenda for meetings of the City Council shall be divided into two parts, the general business agenda, and the consent agenda.

D. The consent agenda shall include those items which have not received a negative vote by any member of any committee of the City Council and which are considered routine.

E. All other items shall be included in the general business agenda and shall be acted upon separately.

F. The order of business for the regular City Council meeting held on the first and third Mondays of the month will be established in a written agenda and may include the following: Community and Staff Recognitions, Community Presentations; City Manager & Staff Reports; Consent Agenda; Regular Agenda; Public Hearings, Public Comment; Closed Meeting; Reports of the Mayor and Council; and other pertinent business of the City Council.

G. The order of business for any special City Council meeting or work session will be established in a written agenda and may include the following: Work Session Topics, Action Items, Closed Meeting, and other pertinent business of the City Council.

H. No person, other than a member of the City Council, shall have the right to discuss any matter in a meeting of the City Council, unless by consent of a majority of the council, or when that person is scheduled to appear before the council on an agenda item.

#### **Section 4-2. Consent Agenda** (Code Sec. 2-39)

A. The consent agenda shall include those items which have not received a negative vote by any member of any committee of the City Council and which are considered routine.

B. Examples of items which may be included in the consent agenda are reassessments, tax releases, contracts for purchasing, renewal of such contracts, final payment on contracts, streetlights, encroachment agreements, quitclaim deeds, sale of surplus vehicles, open-air meeting applications, sale of land, acquisition of easements and rights-of-way, appropriation from the bond and construction fund, appropriation from the contingent fund and other funds, replacement of vehicles, appointments to commissions, referrals of requests for relief on assessment, memoranda received for informational purposes, resolutions fixing dates for public hearings, preliminary and final water and sewer

improvement agreements, billiard applications, alterations to the water and sewer systems, traffic regulations, approval of applications for state and federal funds, church directional signs, condemnation resolutions, resolutions authorizing the taking of bids, housing demolition and condemnation orders, and any item believed to be routine and non-controversial in nature.

C. The consent items shall be approved, adopted, accepted, etc., on a single motion of the City Council unanimously. Each item so approved will appear in the minutes of the City Council in the item's proper form, showing approval.

D. There may be a brief discussion of consent agenda items to answer questions, clarify a matter, highlight an accomplishment, or draw attention to a specific item that may be important to the public. However, there shall be no lengthy debate or discussion of a consent agenda item.

E. No matter requiring a public hearing shall be placed on the consent agenda. ~~If any individual wishes to be heard on any consent agenda item he may request that the City Council remove the item from the consent agenda.~~

F. On objection from any member of the council or the mayor, any item included in any consent agenda shall be removed from the consent agenda. The item will be placed on the general business agenda and considered separately after adoption of the remaining consent agenda items.

G. If a council member wishes to remove an item from the consent agenda, they are encouraged to notify the city clerk or city manager no later than 9:00 a.m. the morning of the meeting to allow staff time to either answer the question or prepare a presentation for the meeting.

#### **Section 4-3 General Business Agenda (Code Sec. 2-40)**

A. All ordinances or resolutions offered for adoption shall be in writing. It shall be the policy of the City Council to consider only those items on the agenda prepared and set out for delivery to the council members at least-48 hours prior to the meeting as required under the provisions of city code. This policy, generally referred to as the "48-hour rule," shall be waived upon motion as to specific items, but such waiver shall not permit action on any item at the meeting without unanimous consent of those present.

B. No ordinance, resolution or motion shall be acted upon after being proposed, without 48-hours' notice, unless by the unanimous consent of those present. Such ordinance or resolution shall be placed upon the agenda for the next regular or special meetings of the council, or otherwise if directed by the City Council.



C. Every ordinance, resolution or motion shall be in force from its passage unless otherwise provided therein.

D. The city clerk shall keep a bound copy of all ordinances, which shall be the official copy.

E. If the question before the council is the adoption of an ordinance on its first introduction, a favorable vote of two-thirds or more of all the members of the council shall constitute approval of the ordinance; a favorable vote of a majority of the members present, but less than two-thirds of all the members, shall constitute automatic continuance of the ordinance to the next regular or special meeting of the council, unless the council directs a different time; and a favorable vote of less than a majority shall constitute defeat of the ordinance. Before being acted upon, any ordinance so continued may be discussed at the next meeting scheduled, in accordance with this subsection, provided a majority of the council consents to said discussion. Otherwise, the item will be considered without further discussion.

F. If the council is passing on the question of the adoption of an ordinance, and the ordinance has been considered at a prior meeting, the affirmative vote of the majority of the members of the council present and voting shall constitute adoption of the ordinance if the ordinance received an affirmative vote by a majority of all the members of the council upon first reading. If the ordinance on first reading received a favorable vote of a majority of the members present and voting, but not a majority of all of the members of the council, the ordinance shall be deemed to have failed unless it receives on second reading an affirmative vote of a majority of all the members of the council.

G. When voting on (1) the annual budget appropriation and tax levy ordinance; and (2) an ordinance on which a public hearing must be held pursuant to G.S. 160D-601, a majority of those present and voting shall be sufficient on first consideration to adopt the ordinance.

H. When voting on quasi-judicial matters by council, a majority of the members of council shall be required for approval, pursuant to G.S. 160D-406.

#### **Section 4-4. Public Hearings (Code Sec. 2-38)**

A. Public hearings before the City Council may be scheduled for any meeting of council.

B. Unless otherwise provided, the deliberations of the City Council shall be governed by Robert's Rules of Order, Newly Revised. The procedure for public hearings is as follows:

1. The newspaper advertisement certification shall be kept by the city clerk, confirming the advertisements were published in conformance with the requirements of general law and city ordinances.
2. The presiding officer will ask if there is anyone that wishes to speak at a public hearing. If there are interested individuals, the presiding officer will ask staff to present the issue for consideration and offer City Council the opportunity to ask questions.
3. Unless otherwise determined by the City Council, persons or groups appearing before the City Council in support of an issue pending before the council shall be limited to 15 minutes for their presentation, and those appearing in opposition to the issue shall likewise be limited to 15 minutes for their presentation. The council may, for good cause shown, grant an extension of these limits.
4. In addition to the 15 minutes permitted for the presentation of each side of an issue, each side shall have three minutes of rebuttal time. Groups shall be encouraged to select a spokesperson since the time limitation specified in this section shall apply to all persons or groups representing support for, or opposition to, the issue before the council. Speakers will be orderly and decorous in conduct and shall address only the issue or matter that is the subject of a hearing before council.
5. The public hearing will either be closed or continued (remain open) and action can be taken at the meeting or scheduled for the next regularly scheduled council meeting.

**Section 4-5. Public Comment Participation (Code Sec. 2-38.1)**

A. City Council will hold a public comment period at the end of its regular open session meeting on the third Monday of each month. If there is no regular meeting on the third Monday of any month, the public comment period will be held at the regular meeting on the first Monday of that month. Council shall not hold a public comment period during a month in which no regular meetings are held.

B. Before the public comment period the presiding officer shall make the following statement. "Public comments should pertain to issues relevant to city government. **City Council may not respond to public comments during the meeting** but may address them at a later date or ask staff to follow up, if necessary. Speakers are

encouraged to be civil and courteous in their language and presentation. Insults, profanity, use of vulgar language or gestures or other inappropriate behaviors are discouraged. Engaging in such conduct may result in a forfeiture of any remaining speaking time. Individuals who continue to engage in such egregious behavior after being told to cease the same may be instructed to leave the meeting. Speakers may use other avenues to pursue any concerns including but not limited to personnel, litigation, and confidential matters. Your cooperation is greatly appreciated.”

C. The public comment period will be limited to 30 minutes, and each speaker will be limited to three minutes. If there are more than ten speakers, council, by majority consent, may extend the public comment period by a reasonable time period. If a large number of people are present to comment on the same subject, it is suggested that the group designate a speaker who will acknowledge the presence of the group. After the second person representing the same group has spoken, the next person and all others from the group will be permitted to speak after all other speakers not associated with the group have spoken, provided the 30-minute time limit has not been exhausted. Anyone desiring to speak may sign up in advance in person with the city clerk in City Hall, Suite 140 or immediately before the meeting by providing: (1) name, (2) address and (3) the subject of the speaker's proposed comments. Except as provided herein, speakers will address council in the order in which their names appear on the sign-up sheet. Speakers who are city residents will have priority over non-city resident speakers unless the city resident spoke the previous month on the same or related subject(s). In that case, the non-city resident speaker will have priority over a resident speaker who spoke the previous month on the same or related subject(s). New city resident speakers will precede city resident speakers wishing to address a subject they spoke to the previous month. Speakers may yield their time to another speaker. Unless council determines otherwise by majority consent, all speakers, including designated speakers, will be limited to three minutes even if other speakers have relinquished their time to said speaker. Speakers shall be orderly and decorous in their conduct and shall address only subjects related to city government.

D. Speakers are encouraged to use other channels such as the committee complaint procedure, and the city manager's and city attorney's offices, rather than the public comment period, to discuss the following matters: personnel, litigation, property acquisition, matters that are the subject of the attorney-client privilege, and confidential matters. Speakers shall not comment during the public comment period on matters that are the subject of an upcoming quasi-judicial proceeding or other public hearings before the City Council. Comments regarding such matters should be made during the scheduled public hearing.

E. The mayor and council **will not respond to comments** made during the public comment period but may respond or direct the city manager or city attorney, where appropriate, to provide a response **at a later time**. **However, The** public comment period **participation** is not intended to serve as a forum for debate with the council.

F. Because of the time delays and disruptions associated with running non-city videos during the public comment period, speakers shall refrain from presenting videos during the public comment period. Speakers wishing to present videos may provide copies of the same to the city clerk for review by the mayor and council members, individually, at a later date, if such is desired.

#### **Section 4-6. Closed Session at Meetings**

A. All meetings of City Council must be open to the public. If City Council wants to hold a closed session during a meeting, it must follow an established process to convene in a closed session. The City Council must affirmatively pass a motion in open session that does each of the following:

1. Identifies the subject matter of the closed session.
2. States the purpose of the closed session.
3. Makes specific reference to the statutory exemptions relied on to close the session of the meeting.

B. Once in a closed session, only the matters stated in the motion are allowed to be discussed.

C. The City Council may invite members of the staff or public to attend a closed session if their presence reasonably aids the council in its consideration of an issue.

D. Following a closed session, the City Council must reconvene in open session and certify that only the matters identified in the motion were discussed.

E. Decisions made during a closed session do not become official until the public body reconvenes in an open session following the proper procedure, reasonably identifies the substance of the decision, and takes a recorded vote on the decision agreed to in the closed session. Any and all votes taken to conduct the public's business must be taken and recorded in an open meeting.

F. When City Council meets in closed session, a general account of the closed session will be kept by the city clerk so that a person not in attendance would have a reasonable understanding of what transpired.

G. Individuals attending a closed session should respect the council's decision that the subject matter is too sensitive for public discussion and should treat the closed session discussion as confidential.

## **SECTION 5 – RULES OF PROCEDURE FOR COUNCIL MEETINGS**

### **Section 5-1. Presiding Officer** *(Code Sec. 2-34)*

A. The mayor shall be the presiding officer of the City Council.

B. The council shall elect a mayor pro tempore, who shall preside in the absence of the mayor. In the absence of both the mayor and the mayor pro tempore, the presiding officer of the council shall be in the following order: the chairperson of the finance committee, the chairperson of the public works committee, the chairperson of the public safety committee, or the chairperson of the general government committee.

C. The chief of police shall designate an officer to serve as sergeant at arms and preserve order under the direction of the presiding officer and upon his order shall bring in, or cause to be sent for, absent members.

D. At all meetings of the City Council it shall be the duty of the presiding officer to preserve order and decorum. The presiding officer shall decide all questions of parliamentary law, and any member shall have the right to appeal the decision of the presiding officer. On such appeal, the presiding officer may assign reasons for their decision and the member appealing may state their ground of appeal.

### **Section 5-2. Quorum** *(Code Sec. 2-37)*

A. A majority of the members of the City Council (five of eight) shall constitute a quorum for the purpose of conducting official city business, and this number shall not be affected by vacancies. A quorum is necessary for the transaction of business.

B. Quorum refers to the number of members present at a meeting, not the number of members voting on an issue. If a quorum of the council is not present at a regular, special, or emergency meeting, such meeting shall not be adjourned to any other time or place, and all business shall be continued to the next regular or special meeting of the council, unless otherwise directed by the City Council. If a quorum is lost, the City Council can only (1) adjourn, (2) recess, or (3) take steps to obtain a quorum.

### **Section 5-3. Priority in Speaking on the Council**

When two or more members of the City Council wish to speak at the same time, the presiding officer shall name the member to speak.

#### **Section 5-4. Comments, Queries of Council Members**

Council members are to observe the following rules during the discussion of agenda items:

A. The presiding officer shall keep discussion germane to the subject. Point of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.

B. Council members may address questions to the city manager or staff present at the meeting. Staff members should be speaking into a microphone when answering council members' questions. Legal questions should be addressed to the city attorney.

#### **Section 5-5. Action by the City Council**

A. Items of business will be considered and dealt with one at a time, and a new action item may not be put forth until action on the preceding one has been concluded.

B. When an action item is perfectly clear to all present, and the action item will not obligate the council in any manner nor finally decide an issue before the council, action can be taken upon the unanimous consent of the council members present, without a motion having been introduced. However, unless agreed to by unanimous consent, all proposed action of the council must be approved by vote under these rules. Silence, or the lack of spoken dissent, is taken as consent.

C. If an agenda item requires a public hearing, action by City Council may be taken at the same meeting as the public hearing.

#### **Section 5-6. Motions**

A. Informal discussion of a subject is permitted while no motion is pending.

B. Any member of the City Council, even while serving as the presiding officer, may make a motion.

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

D. Except for matters recommended by a Standing Committee, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

#### **Section 5-7. Substantive Motions**

A. A substantive motion is any motion that deals with the merits of an item of business and is within the City Council's legal powers, duties, and responsibilities.

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

#### **Section 5-8. Receipt of Motions When Question is Under Consideration**

A. When a motion is under consideration, no motion shall be received, except as follows: to postpone indefinitely, to amend, to refer to a committee, to postpone to a certain time, to limit or extend debate, to move the previous question or to lay on the table. These motions are listed from lowest priority to highest; no motion with a lower priority may be received while a motion with a higher priority is under consideration, but a motion with a higher priority is in order while a motion with a lower priority is under consideration.

B. The following motions are debatable: to postpone indefinitely, to refer to a committee or to postpone to a certain time. A motion to amend is debatable only if the main question is debatable. The other motions named in subsection (A) of this section are not debatable. The following motions are amendable: to amend, to refer to a committee, to postpone to a certain time, and to limit or extend debate. The other motions named in subsection (A) of this section are not amendable. All motions require a simple majority, except for the motions to limit or extend debate or move the previous question, which require a two-thirds majority.

#### **Section 5-9. Debate**

A. The presiding officer shall state the motion, seek a second, and then open the floor to debate. The presiding officer shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first.
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken.
3. A member of the council may vote against their motion but may not speak against the motion.
4. The presiding officer may participate in the debate prior to declaring the matter ready for a vote.
5. Council members shall not engage in electronic communication amongst themselves regarding a motion that is on the floor for debate.

#### **Section 5-10. Duty to Vote**

No member shall be excused from voting except upon matters involving the consideration of 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 or G.S. 160D-109. In all other cases except votes taken under G.S. 160D-601, 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.

If a member is excused from voting, it shall be the responsibility of the city clerk to note the reclusion and the reason for the reclusion for the record.

### **Section 5-11. Method of Voting**

A. After debate, the presiding officer shall ensure that the motion is clear and call for the vote.

B. All questions submitted to the City Council shall be determined by a majority vote of the members voting on any such question, unless otherwise required by special or general law. A majority is more than half of members present.

C. An "affirmative vote" by a majority of the council present being necessary to adopt a motion, a tie vote means that the motion, resolution, or issue will be decided by the vote of the mayor.

D. Members can request that the city clerk call for the individual votes of council members on any matter before the City Council that is not taken with electronic voting.

### **Section 5-12. No Consideration** *(Code Sec. 2-40)*

A. The unanimous consent required for consideration of an item, as specified in Section 4-3, shall be conclusively presumed to exist unless a member announces that he does not consent to consideration. The procedural tool of "No Consideration" shall not be utilized on any item that requires a public hearing. When a member of the City Council wishes to object to the consideration of an item, the member must express that objection after the item is introduced for consideration and the mayor's call for discussion but prior to a vote for approval or disapproval of the item.

B. A motion to continue an item or send an item back to a committee, and a vote on the same is not considered a vote for approval or disapproval of the item. An item that has been continued or sent back to committee may be "no considered" at the next or any subsequent City Council meeting where the item is being considered. An item may be "no considered" only once.



C. Before being acted upon, any item that is “no considered” may be discussed at the next meeting scheduled in accordance with Section 4-3, provided a majority of the council consents to said discussion. Otherwise, the item will be considered without further discussion. If no member objects to consideration prior to such vote, the right of the member to object shall be deemed to be waived.

## **SECTION 6 – REMOTE PARTICIPATION AT COUNCIL MEETINGS**

### **Section 6-1. Participation by Remote Electronic Communication** *(Code Sec. 2-33.1)*

Remote participation or simultaneous communication shall mean participation in a meeting by conference telephone, conference video, or other electronic means. Remote meeting shall mean an official meeting, or any part thereof, between one and all of the members of the public body participating by simultaneous communication.

### **Section 6-2. Rules and Procedures for Remote Electronic Communication** *(Code Sec. 2-33.1)*

The City Council and committees thereof may have a remote meeting, and members of the City Council may participate remotely in council committee meetings and council meetings, subject to the following rules and procedures:

A. Remote participation may be used in limited circumstances only. A council member may participate in a meeting remotely provided one of the following situations exists:

1. Personal illness or disability that does not impact the member's ability to participate remotely.
2. Family or another personal emergency.
3. Other scheduling conflicts that make in-person attendance impracticable.
4. Other emergencies that justify remote participation, such as a declaration of a national, state, or local emergency covering the city.

B. A council member wishing to participate remotely in a meeting must notify the mayor and city clerk of the need to participate remotely at least 24 hours in advance of the meeting unless advance notice is impracticable.

### **Section 6-3 Meeting Requirements for Remote Participation** *(Code Sec. 2-33.1)*

Meeting requirements for a council member to participate in a committee or council meeting remotely, include:

A. For remote participation in meetings during a declared national, state, or local emergency covering the city, all of the provisions of G.S. 166A-19.24 shall govern and control, including, but not limited to, the provision relating to the receipt of written comments for public hearings. Additionally, if the mayor, after consulting with a majority of City Council, determines that, due to a declared state of emergency, it is not feasible for a majority of City Council to be physically present, then a majority of council does not have to be physically present and council members participating remotely will be counted for purposes of determining a quorum only during the time period while simultaneous communication is maintained for that member. The remote meetings must be simultaneously streamed online so that simultaneous live audio, and video, if any, is available to the public. If the remote meeting is a conference call, public access is achieved by providing an opportunity to dial in or stream the audio live and listen to the meeting.

B. For remote participation in meetings as a result of any other reason, the following provisions shall apply:

1. A quorum of the council committee or City Council must be physically present in the meeting room. For purposes of determining a quorum under this section, the members participating remotely shall not be counted.
2. Remote participation will be permitted in all open sessions with the exception of quasi-judicial proceedings, unless all persons who have standing to participate in the quasi-judicial hearing have been given notice of the quasi-judicial hearing and consent to the remote meeting. Otherwise, remote participation will not be allowed for quasi-judicial proceedings.
3. Remote participation will be permitted for closed sessions.
4. At the start of the council committee or council meeting, and prior to participating in any deliberations, the chair of the council committee or the mayor shall announce that a council member is participating remotely. The council member shall identify themselves and state the reason they are participating remotely.
5. If a council member needs to abstain from voting on an item in council committee, the council member needs to clearly state so. This only applies to council committee meetings and not to a meeting of the City Council or any other public body.

6. If a council member needs to be excused from voting on an item before City Council, the council member must ask to be excused from voting and City Council must vote to excuse said member from voting. Otherwise, if a council member has been identified as present for the vote, but does not vote, the council member will be recorded as having voted yes. If a council member is present, but does not identify themselves, and attempts to vote without such identification having been made, then the vote of said council member shall not be counted. If a council member has terminated communication before the vote or if a council member has lost communication, said council member will no longer be treated as present and will not be allowed to vote. A council member who does not vote during a quasi-judicial proceeding will be treated as not having voted.

7. A council member participating remotely shall provide a voice vote, which can be heard and recorded if participating by phone or, if participating by video, a voice and hand vote. No vote shall be taken via email. No written ballots may be submitted.

8. A council member participating remotely shall be provided with access to all documents to be considered during the council committee meeting or council meeting.

9. A council member participating remotely shall participate via simultaneous and/or electronic communications and must be fully heard and, if possible, seen by other members of the committee or council and any other individual in attendance at the official meeting. Use of telephone, internet, or satellite enabled audio or video conferencing, or any other technology, which 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 council committee chair or mayor may elect to disallow or discontinue remote participation for that member.

## **SECTION 7 – BOARDS, COMMITTEES, COMMISSIONS, AND AUTHORITIES**

### **Section 7-1. Appointments to Boards, Committees, Commissions, and Authorities**

A. The appointments of council members to Boards, Committees, Commissions, and Authorities shall be presented by the mayor for approval by an affirmative

vote of a majority of the members of the City Council at the organizational meeting.

B. In the event of a vacancy, the mayor will present a replacement for City Council consideration and approval at any regular meeting of the council.

**Section 7-2. Standing Committees** (Code Sec. 2-43)

A. There shall be elected by the City Council standing committees of the council as follows:

1. Finance committee.
2. General government committee.
3. Public safety committee.
4. Public works committee.

B. Each committee shall be composed of four members of the City Council. Each committee will have a designated chairperson and vice-chairperson.

C. The mayor and the city manager shall be ex officio members of the committees designated by this section, but they shall have no voting rights. All regular members of the committees shall have full voting rights and must follow the same voting requirements as are applicable to members of the City Council when considering matters coming before the full council. The above voting requirements notwithstanding, members of committees shall have the right to abstain from voting, and when they do so, such actions shall be recorded as abstentions.

**Section 7-3. Duties and Procedures of Standing Committees** (Code Sec. 2-43)

A. Standing committees of the City Council shall serve only in an advisory capacity. It shall be their duty to:

1. Consider and make recommendations to the City Council on policy matters.
2. Hold public hearings on questions when requested to do so by the council.
3. In collaboration with the city manager, make special studies and submit reports to the council on matters falling within that committee's province.
4. Meet with the city manager when requested for policy discussions or advisory purposes.

B. Committees may request the city manager to furnish any information or reports desired regarding departmental operations or affairs with which that committee may be concerned.

C. Committees may be assigned special temporary duties by the City Council.

D. Committees shall meet upon the call of either the mayor or chairperson, or in their absence the vice-chairperson or the city manager.

E. To ensure the orderly and expeditious handling of petitions and other matters presented to individual council members and to committees of the council for consideration, and to afford the administrative department of the city an opportunity to investigate the facts with respect thereto for the benefit of the committees and the City Council, the following procedure shall be adhered to:

1. Requests and petitions received by individual council members shall be routed to the city manager, or to the appropriate department head, for investigation.
2. To save the time of the committees and of the public, the public shall not be invited to appear before a committee until the matter in question has been investigated by the appropriate department and the city manager has reported thereon to the committee.
3. Where a petition or other matter comes before a committee without first having been submitted to the city manager, or the department concerned, for administrative study and recommendations, the committee shall refer it to the city manager for study and recommendations, the city manager shall make his report thereon to the committee within such time as may be designated by the committee, and the committee shall consider the report and recommendations, along with other information received by it, in arriving at its decision.

#### **Section 7- 4. Duties and Procedures of Finance Committee (Code Sec. 2-43)**

A. The finance committee of the City Council ~~shall be the advisory committee to the council for all activities related to finance~~ such as ~~kept informed as to information~~ on the financial status of the city, ~~and shall give special study to the review~~ of financial reports presented to the City Council, ~~by the city manager and the director of finance. It shall review and the annual budget as submitted by the city manager. in advance of its presentation to the City Council and shall present a written report to the council setting forth its concurrence with or its disagreement with the budget as submitted to the council.~~

B. Proposals for sale of real estate owned by the city shall be referred to the finance committee for recommendation before being presented to the City Council for action.

C. The committee shall perform all other duties imposed upon it by the council.

**Section 7-5. Duties and Procedures of Public Safety Committee (Code Sec. 2-43)**

A. The public safety committee of the City Council shall be the advisory committee to the council for all activities ~~handled by~~ **related to public safety** such as the fire, ~~department and the police department,~~ **emergency management**, and for traffic matters, including the regulation of taxicabs and buses.

B. It shall perform all other duties imposed upon it by the City Council.

**Section 7-6. Duties and Procedures of Public Works Committee (Code Sec. 2-43)**

A. The public works committee of the City Council shall be the advisory committee to the council for all activities ~~handled by the~~ **related to** public works department, such as streets and sidewalks, **transit operations**, the waterworks system, the sewerage system, sanitation services, inspections, buildings and grounds, **fleet management**, and engineering.

B. It shall perform all other duties imposed upon it by the City Council.

**Section 7- 7. Duties and Procedures of General Government Committee (Code Sec. 2-43)**

A. The general government committee of the City Council shall act in an advisory capacity to the council, when requested, upon matters not falling within the scope of the finance, public safety, or public works committees of the council such as **neighborhood services, community development and housing**.

B. The City Council may impose special or temporary duties upon the general government committee, and either the council or the city manager may request it to consider any proposals, projects or activities which are not the responsibility of another standing committee.

## **SECTION 8 – GENERAL OPERATING POLICIES**

### **Section 8-1. Broadcasting Council Meetings**

Regular meetings of the City Council that are held in Council Chambers and work session and special meetings that are held in the second-floor Council Committee room shall be broadcast live on the City Government Channel (Spectrum channel 13 and streamed on the city's website (Winston-Salem Council Meeting Media Center). The video of recorded meetings will be available on demand the day after the council meeting.

**Section 8-2. Minutes of the Council Meeting** *(Code Sec. 2-44)*

A. Minutes of the City Council and City Council committee meetings, except for closed sessions, shall be created and maintained in the form of sound or video and sound recordings, which shall be available for public inspection in accordance with the public records law.

B. In the event a member of the public is unable to access such sound or video and sound recordings, the city clerk shall make available in the city clerk's office a computer or other device by which a member of the public may inspect said minutes.

C. The city clerk shall also prepare minutes in the form of a written summary of the City Council and City Council committee meetings within a reasonable time after the meeting. Said written summary shall contain, at a minimum, a record of the actions taken and the results of each vote. For a closed session, the city clerk shall prepare a written summary and general account of the closed session, which may be one document, so that a person not in attendance will have a reasonable understanding of what transpired. The disclosure of a written summary and general account of a closed session shall be governed by G.S 143-318.10.

D. All sound and video recordings, written summaries, and general accounts shall be retained and disposed of in accordance with the Municipal Records Retention and Disposition Schedule published by the North Carolina Department of Natural and Cultural Resources and adopted by the City Council.

**Section 8-3. Preservation of Order and Decorum** *(Code Sec. 2-35)*

A. At meetings of the City Council, the presiding officer shall preserve order and decorum and decide on questions of order, subject to appeal to the City Council. If a council member transgresses the rules of the council, the presiding officer shall call the council member to order.

B. No member of the City Council shall leave the Council Chamber while the City Council is in regular meeting without the permission of the presiding officer.

C. The presiding officer has the authority to call a brief recess at any time.

D. The presiding officer may adjourn the meeting without the City Council's vote or appeal in an emergency.

E. The right of a member of the City Council to address the council on a question of personal privilege shall be limited to cases in which the integrity, character, or motives of a council member are assailed, questioned, or impugned. A member addressing the City Council on a question of personal privilege shall first address the presiding officer and be recognized. A second is not required.

F. Whenever a question arises as to the proper interpretation of a rule of procedure, or in the absence of a rule to govern a point of procedure, the presiding officer of the council shall resolve the question.

G. Any member of the City Council may appeal to the council from the ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the presiding officer may briefly explain the ruling, but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question: "Shall the decision of the presiding officer be sustained?" If the majority of the members present vote "no," the ruling of the presiding officer is overruled; otherwise, it is sustained.

#### **Section 8-4. Public Decorum (Code Sec. 2-12)**

A. Signs, leaflets, posters, flyers, pamphlets, brochures, and written or graphic material of any kind, structures, banners, and any other objects shall not be posted on or affixed to city property. Visitors may carry into any city building hand-held placards, signs, flags, or similar items (collectively called "signs") not exceeding 18 by 18 inches in size. All signs shall be made of cloth, paper, cardboard, or plastic; shall not exceed one-eighth of an inch in thickness; shall not have sharp edges or corners; and shall not include a handstick. Visitors with signs shall not interfere with others' ability to see and hear, and the visitor's use of the sign (without regard to the sign's content) must not otherwise disrupt business proceedings. The permission granted herein to carry such signs into a city building does not create a public forum of any type or manner.

B. The city will make every reasonable effort to provide seating, including overflow seating, if necessary, for public meetings. Fire code requirements limit the number of occupants in particular spaces. Visitors may not bring personal chairs or personal tables into a city building. Visitors must not obstruct paths of ingress and egress. Blocking entrances, exits, fire exits, handicap access areas, public walkways, or obstructing pedestrian traffic or otherwise interfering with the provision of services or the use of city property is prohibited. A violation of this



section shall constitute a class 3 misdemeanor as provided by G.S. 14-4 and shall subject the offender to a fine of not more than \$500.00.

#### **Section 8-5. Council Members Addressing Council**

A. A member of the City Council shall seek recognition to speak from the presiding officer, shall address only the question before the City Council and shall refrain from impugning the motives of any other council member's argument or vote. No discussion of a sectarian or political nature shall be allowed. No member shall interrupt another while speaking, except to make a point of order, the point to be briefly stated to the presiding officer. Comments should be limited to five minutes.

B. No member of the City Council shall speak more than once on the same question until every member choosing to speak shall have done so. or for a longer time than five minutes on any question, without the express permission of the City Council.

C. A member of the City Council may speak twice on a particular question before the council and is limited to five (5) minutes on each of the two questions. The presiding officer may grant permission to waive this rule at the member's request. The limit shall not apply to questions by a member arising out of staff or other presentation to the council, so long as the questions are related to the material being presented and cannot be viewed as presenting a viewpoint on the issue.

#### **Section 8 -6. Resignation of Council Members** *(Code Sec. 2-32)*

The resignation of any member of the City Council must be tendered in writing and shall not be acted upon until the next regular meeting of the council unless by unanimous consent of those present.

#### **Section 8-7. City Manager** *(Charter Article I Sec. 4 & 5) (Code Sec. 2-317)*

A. The City Council shall appoint a city manager, who shall be the administrative head of the city government and who shall be responsible for the administration of all departments of the city government.

B. There shall be a city manager for the city in accordance with the provisions of Session Laws 1947, chapter 601, who shall perform the duties therein prescribed, including:

1. Be the administrative head of the city government.
2. See that within the city the laws of the state and the ordinances, resolutions, and regulations of the City Council are faithfully executed.

3. Attend, at the request of the City Council, all meetings of the City Council and recommend for adoption such measures as they may deem expedient.
4. Make reports to the City Council from time to time upon the affairs of the city and keep the City Council fully advised of the city's financial condition and its future financial needs.
5. Appoint and remove all employees of the city, including all heads of departments, superintendents, and other employees of the city.
6. Have authority, as authorized by the City Council, to execute in the name and on behalf of the city, contracts, bonds, and other legal instruments, except deeds.

#### **Section 8-8. City Attorney (Code Sec. 2-318)**

The city council may appoint a city attorney to represent the city in all legal matters.

#### **Section 8-9. Staff Attendance at Meetings Organized by Council Members**

- A. Members of city staff, in their official capacity, shall not be invited by the mayor or council members to attend meetings that are political in nature.
- B. Requests for community meeting or town hall type events should be coordinated with the City Manager's Office.

#### **Section 8-10. Amending the Rules of Procedure**

The rules of procedure may be amended by a majority vote at any regular meeting, or at a properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting.

#### **Section 8-11. Special Rules of Procedure**

The City Council may adopt its own special rules of procedure to cover situations that are not adequately addressed in these Rules of Procedure. Adoption of a special rule of procedure shall require an affirmative vote of a majority of a quorum of the City Council.

Attachments:

- A. Oath of Office

- B. Code of Conduct
- C. Commit to Civility Pledge
- D. Council Salary and Allowances
- E. Travel Policy

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