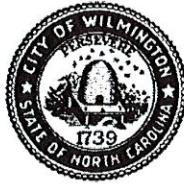


CERTIFIED TO BE A TRUE COPY
CITY CLERK
Penelope Spicer-Sidbury

Resolution



City Council
City of Wilmington
North Carolina

Introduced By: Meredith Everhart, Interim City Attorney

Date: 1/24/2023

Resolution Amending Wilmington City Council's Rules of Order

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, pursuant to N.C.G.S. 160A-71, and Article III, Sec. 3.7, of the Wilmington City Charter, the City Council shall determine its own rules and order of business; and,

WHEREAS, the current version of the Wilmington City Council Rules of Order ("Rules") was last updated on February, 16, 2010; and,

WHEREAS, over the past year, Wilmington City Council's Governance Committee, with consultation from the City Manager and the City Attorney, has provided direction on suggested revisions to the Rules; and,

WHEREAS, upon the approval of and at the recommendation of the Governance Committee, attached "Exhibit A," along with its "Attachment A," comprises the final version of the revised Rules for consideration by City Council.

THEREFORE, BE IT RESOLVED:

THAT, attached 'Exhibit A,' including its "Attachment A," are hereby adopted as Wilmington City Council's Rules of Order; and,

THAT, this resolution shall be effective immediately upon adoption.

Adopted at a regular meeting
on March 7, 2023

Bill Saffo
Bill Saffo, Mayor

ATTEST:
Penelope Spicer-Sidbury
Penelope Spicer-Sidbury, City Clerk

APPROVED AS TO FORM:
mtc
City Attorney

SUBSTITUTE “EXHIBIT A”

Amended 3/7/2023

WILMINGTON CITY COUNCIL RULES OF ORDER

RULE 1

PRESIDING OFFICIAL

Section 1. The Mayor, or in his absence the Mayor Pro Tempore (“MPT”), shall preside at all meetings of the Wilmington City Council (“Council”). In the absence of both the Mayor and the MPT, and on the appearance of a quorum, the most senior Councilmember present shall call the meeting to order, and shall then act as the presiding official, unless and until the Mayor or the MPT are present. In the event of a tie regarding seniority, the senior Councilmember that received the greatest number of votes in their last election shall act as the presiding official. Council shall thereupon proceed with its business.

Section 2. The presiding official shall preserve order and decorum. He or she may speak and vote on all questions, and he or she shall decide all questions of parliamentary procedure, order, and the acceptance of evidence, without debate, subject to the objection of or appeal to, and subsequent action thereon, by Council.

RULE 2

AGENDA BRIEFING

Section 1. A preliminary regular meeting (the “Agenda Briefing”) for the primary purpose of briefing Council on the agenda of the next regular business meeting of Council shall be held prior to each regular business meeting. To the extent possible, the Agenda Briefing shall be held the day immediately preceding the regular business meeting. The City Manager shall have the discretion to schedule the Agenda Briefing appropriately to achieve its purpose when scheduling conflicts arise.

Section 2. The Agenda Briefing shall be used to brief Council and to allow Council to address its questions, seek clarifications, and provide guidance to appropriate City staff. The Agenda Briefing shall also be utilized to present information and advice to Council on matters that concern the City. Such information may be presented in open or closed session, as appropriate, based on the information being presented.

Section 3. Substantive action will not be taken at the Agenda Briefing on agenda items that Council is being briefed upon, except by a unanimous vote, except as otherwise stated in this section. It is the intent of Council to not take such actions at the Agenda Briefing except under extenuating circumstances, as determined by Council in its discretion. Procedural actions such as continuing an item may be taken by a majority vote. Council may take action on items related to a closed session by a majority vote, in the discretion of Council, and in open session following the closed session.

Section 4. Only those items on the regular business meeting agenda, prepared and sent out for delivery prior to the meeting, as required under the provisions of Rule 9, shall be considered by Council, except in compliance with Rule 12, Section 5.

RULE 3

QUORUM

Section 1. A quorum shall consist of at least four (4) members of Council.

RULE 4

ORDER OF BUSINESS

Section 1. The order of business at a regular business meeting of Council shall be as follows:

- (a) Nonsectarian Invocation
- (b) Pledge of Allegiance

- (c) Presentations, Proclamations, Honorific Resolutions, Awards, Guests and Reports of City Boards or Commissions
- (d) Consent Agenda – (includes approval of minutes)
- (e) Public Comment Period
- (f) New Business
 - 1. Hearings
 - 2. Actions on ordinances (including second readings) and resolutions
 - 3. Reports, discussions and appointments
- (g) Items added for discussion and possible action pursuant to Rule 12
- (h) Matters to be presented by the City Attorney, the City Clerk and the City Manager
- (i) Matters for discussion by the Mayor and Councilmembers
- (j) Adjournment

Section 2. The order of business at a special meeting shall follow that of a regular meeting as far as possible. No matters that were not published in the public notice of a special meeting shall be considered nor acted upon.

Section 3. The City Manager's Office shall be responsible for the coordination of the clergy who will perform the Nonsectarian Invocation, and who will be chosen, whenever possible, from current chaplains with either the Wilmington Police Department or the Wilmington Fire Department. In the event that no chaplain is available, the City Manager may solicit participation from any member of the clergy who resides in or is employed in Wilmington. In the event that no clergy is available at the time of the meeting, the Invocation shall be performed by a member of Council or staff designated by the presiding official.

RULE 5

CONSENT AGENDA

Section 1. The agenda of every regular business meeting of Council shall include a "Consent Agenda" section wherein all items for Council action that are deemed by the City Manager to be routine and unlikely to generate debate shall be placed.

Section 2. Any Councilmember, as well as the City Manager, may have any consent item pulled from the Consent Agenda. All Consent Agenda items that are not pulled shall be voted upon in a single vote that shall be determinative for the Consent Agenda as a whole.

Section 3. Any Consent Agenda items that are pulled shall be separately debated and acted upon immediately following the overall vote upon the Consent Agenda.

RULE 6

PUBLIC COMMENT PERIOD

Section 1. The agenda of every regular business meeting of Council shall include a 30-minute "Public Comment Period." During this period, the public may address Council and make presentations on matters that are included on the agenda, but which are not scheduled for public hearing, or on any other matters that are relevant to City business. Speakers who wish to be heard regarding a matter that is on the agenda for a public hearing shall not be allowed to do so during the Public Comment Period, but shall do so during the public hearing.

Section 2. Members of the public wishing to speak shall be limited to five (5) minutes per person, with a single extension of no more than three (3) minutes, at the discretion of the presiding official. Any greater extension of time shall require the affirmative concurrence of a majority of Council. If recognized by the presiding official, Councilmembers may ask questions of any speaker, subject to the overall Public Comment Period time limit. Speakers shall be scheduled in the order that written requests are received by the City Clerk. The presiding official shall have the discretion to move a public speaker that is speaking on an agenda item that includes a public hearing

from the Public Comment Period to the relevant agenda item, and to hear their comments during the public hearing for that agenda item, prior to Council discussion of the item.

Section 3. In no event shall the Public Comment Period last over 30 minutes – regardless of any individual time extensions or whether all scheduled citizens have been heard. Any citizen that has not been recognized at the conclusion of the Public Comment Period will be scheduled for the beginning of the Public Comment Period at the next regular meeting of Council. If a citizen has spoken at the immediately preceding Council meeting, he or she will not be recognized until all other speakers have been provided an opportunity to speak.

Section 4. To speak during a Public Comment Period, citizens must file a written request with the City Clerk no later than 12:00 noon on the day prior to the Council meeting, and no sooner than the day after the previous Council regular business meeting. Such written requests shall be accepted in either electronic or hard copy form. All requests to speak during a Public Comment Period must include the name(s) of the speaker(s) and the subject. Parties voicing the same position on the same matter are strongly encouraged to have no more than two (2) speakers to represent their views. Council prefers one representative to speak for groups, with recognition of attendance by supporters. The presiding official has the discretion to allow such a representative to speak for up to 10 minutes, otherwise the presiding official may limit the representation of specific viewpoints on a particular subject to two speakers or less.

Section 5. As a general practice, Council receives the information presented during the Public Comment Period, but does not respond to or take immediate action on the matter presented, subject to the discretion of the presiding official and these rules. The City Manager may be directed to review the information and report back to Council at a later date.

RULE 7

HEARINGS

Section 1. Types of Hearings:

- (a) General Public Hearing
- (b) Legislative Hearing
- (c) Quasi-Judicial Hearing

Section 2. General Public Hearings

(a) These hearings are legislative in nature but are not specifically designated as legislative by N.C.G.S. Chapter 160D. Examples include street closing hearings pursuant to N.C.G.S. Section 160A-299, or Annual CDBG CAPER hearings pursuant to federal law.

(b) Any person present at a regular business meeting may speak during a general public hearing. All comments shall be related to the subject matter of the general public hearing. Irrelevant or repetitive comments shall be out of order, in the discretion of the presiding official.

(c) The public portion of the general public hearing for any item will be held after both City Staff and the applicant or sponsor of the item has been heard.

(d) Persons or groups speaking during a general public hearing in support of ("the proponents") or in opposition to ("the opponents") a proposed action pending before Council shall limit their cumulative comments to twenty (20) minutes. Council shall hear from the proponents first. The proponents may reserve five (5) minutes of rebuttal time to be heard after the opponents have spoken. Individuals not speaking on behalf of and with the consent of the group (proponents or opponents) shall be limited to five (5) minutes per person, with a single extension of no more than three (3) minutes, at the discretion of the presiding official. Any greater extension of time shall require the affirmative concurrence of a majority of Council. In no event shall either side (as a group or as individuals combined) exceed a total of 25 minutes. The City Clerk shall designate when time has expired. Groups shall be encouraged to select spokespersons inasmuch as

the time limitation specified herein shall apply to all persons or groups representing support for, or opposition to, the issue before Council.

(e) At the conclusion of the general public hearing on any ordinance, resolution, motion or other matter pending action by Council, each Councilmember shall be afforded an opportunity to debate or express his or her views concerning the subject under consideration. Ordinances considered at the public hearing shall not have a final vote until the next regularly scheduled Council meeting, unless the second reading is waived by unanimous vote of the Councilmembers present.

Section 3. Legislative Hearings

(a) These hearings are defined as legislative by N.C.G.S. Section 160D-102. Examples include conventional or conditional district rezoning requests pursuant to N.C.G.S. Section 160D-601, or unsafe building ordinances pursuant to N.C.G.S. Section 160D-1119.

(b) Any person present at a regular business meeting may speak during a legislative hearing. All comments shall be related to the subject matter of the legislative hearing. Irrelevant or repetitive comments shall be out of order, in the discretion of the presiding official.

(c) The public portion of the legislative hearing for any item will be held after both City Staff and the applicant or sponsor of the item have been heard.

(d) Persons or groups speaking during a legislative hearing in support of ("the proponents") or in opposition to ("the opponents") of a proposed action pending before Council shall limit their cumulative comments to twenty (20) minutes. Council shall hear from the proponents first. The proponents may reserve five (5) minutes of rebuttal time to be heard after the opponents have spoken. Individuals not speaking on behalf of and with the consent of the group (proponents or opponents) shall be limited to five (5) minutes per person, with a single extension of no more than three (3) minutes, at the discretion of the presiding official. Any greater extension of time shall require the

affirmative concurrence of a majority Council. In no event shall either side (as a group or as individuals combined) exceed a total of 25 minutes. The City Clerk shall designate when time has expired. Groups shall be encouraged to select spokespersons inasmuch as the time limitation specified herein shall apply to all persons or groups representing support for, or opposition to, the issue before Council.

(e) For legislative hearings held to consider a zoning regulation, written comments received by the City Clerk at least two (2) days before the legislative hearing shall be delivered to Council prior to the conclusion of the legislative hearing, in compliance with N.C.G.S. Section 160D-603. Such written comments may be delivered to Council electronically. Such written comments are not required to be, but may be, in the discretion of the presiding official, read into the record of the legislative hearing. Otherwise, such written comments that are properly delivered to Council shall be attached to and considered part of the record, upon the affirmation of the City Clerk that such were delivered to Council in compliance with these Rules of Order.

(f) At the conclusion of the legislative hearing on any ordinance, resolution, motion, or other matter pending action by Council, each Councilmember shall be afforded an opportunity to debate or express his or her views concerning the subject under consideration. Ordinances considered at the legislative hearing shall not have a final vote until the next regular business meeting, unless the second reading is waived by unanimous vote of the Councilmembers present.

Section 4. Quasi-Judicial Hearings

(a) These hearings are evidentiary in nature and are required when Council is called upon to apply existing law to specific cases or facts -- essentially sitting as a judicial body. As set forth by definition in N.C.G.S. Section 160D-102, the purpose of an evidentiary hearing is to gather competent, material, and substantial evidence to support relevant findings of fact. Council holds evidentiary hearings almost exclusively to consider requests for Special Use Permits, pursuant to City Code §18-589, and this

section addresses that context. In the event that a quasi-judicial hearing is required for a purpose other than consideration of a Special Use Permit, the presiding official shall determine the appropriate procedure.

(b) Quasi-judicial hearings shall only be held in open session, and the general public may view the proceedings. However, only parties with standing (including appropriate City staff) may participate in the hearing, and all witnesses presenting evidence must be under oath administered by the City Clerk or the presiding official.

(c) Any person claiming to have standing who wishes to participate as a party shall notify the City Clerk as soon as possible, but in any event before any evidence is taken, and shall state their name, address, and basis for standing. Per Wilmington City Code Section 18-570(c), it shall be presumed that persons holding an ownership interest in any real property that abuts the subject property have standing. Such presumption is rebuttable. At the beginning of the hearing, the City Clerk shall inform Council of the list of persons that claim standing, including the applicant and City staff. Those persons shall then be administered the appropriate oath or affirmation. The presiding official shall then call upon those who have been placed under oath or affirmation, or Council, for any objection to any claim of standing. If there is any objection, Council shall conduct a *voir dire* to determine the merits of any claim of standing that was properly objected to.

(d) Evidence shall be taken first from City staff, then the applicant, and then from any other parties with standing, in the order determined by the presiding official. A party wishing to cross-examine any other party or witness shall voice an objection before any party or any witness is excused from the podium. If multiple parties with standing properly object and wish to cross-examine the same witness, they shall do so in the order determined by the presiding official. The party that called the witness shall have the opportunity to rehabilitate their witness after all cross examination is completed, but may only question the witness further on matters addressed in the cross examination.

(e) Only relevant, competent, material, and substantial evidence, or testimony that is not repetitive shall be allowed.

(f) For evidentiary hearings held to consider Special Use Permits, the substance of any written comments received by the City Clerk at least two (2) days before the hearing shall NOT be delivered to Council. The Clerk shall deliver to Council only the name and addresses of the individuals providing such written comment prior to the conclusion of the hearing, in compliance with N.C.G.S. Section 160D-603. Such names and addresses may be delivered to Council electronically. The names and addresses are not required to be, but may be, in the discretion of the presiding official, read into record of the legislative hearing. Otherwise, the names and addresses that are properly delivered to Council shall be attached to and considered part of the record, upon the affirmation of the City Clerk that such were delivered to Council in compliance with these Rules of Order.

(g) At the conclusion of the evidentiary hearing on any Special Use Permit, or other matter pending action by Council, each Councilmember shall be afforded an opportunity to debate or express his or her views concerning the subject under consideration.

RULE 8

RECORD OR MINUTES OF MEETING

Section 1. The City Clerk shall provide to each member of Council, at a location to be furnished by each Councilmember, a copy of the record or minutes of each regular and special meeting of Council within ten working days after the adjournment thereof.

RULE 9

AGENDA

Section 1. Preparation of Agenda.

The City Manager shall prepare an agenda for each regular meeting of Council, which shall consist of each item on which action is to be taken at that meeting. The City Manager shall have the discretion to determine what items shall be placed on a meeting agenda, but the City Manager shall not deny a request to place an item on a meeting agenda from the following persons, who shall be declared the sponsor of the item, so long as the request is made at least 10 days prior to the meeting:

- (a) A member of Council;
- (b) The City Clerk;
- (c) The City Attorney;
- (d) The City Planning Commission.

The agenda for each regular business meeting shall be delivered to Council no later than the Thursday prior to the meeting at which the agenda shall be considered. The agenda and materials providing information about each item shall be made available to all news media and the public on the Friday immediately preceding a regular business meeting. Addendums to agenda items may be prepared and delivered to each Councilmember preceding the Council meeting for action on the item at the regular business meeting.

Section 2. Preparation of Ordinances and Resolutions.

All ordinances and resolutions shall be prepared by or have the approval as to form and legality of the City Attorney.

RULE 10

CONSIDERATION OF INDIVIDUAL AGENDA ITEMS

Section 1. Order of Consideration:

- (a) Introduction of item by sponsor.
- (b) Review of item by City Staff.
- (c) Any required hearing - to proceed in compliance with Rule 7.

(d) Comments and debate by members of Council.

(e) Final action.

Section 2. Ordinances and resolutions shall be introduced by reading the short title prior to a motion for adoption. At the request of any member of Council, the entire ordinance or resolution shall be read.

Section 3. At any point during the consideration of an agenda item, upon recognition by the presiding official, any member of Council may pose questions or state key facts or concerns to assist in Council's consideration and understanding of the item.

Section 4. Before any hearing on any item pending action by Council is opened, the sponsor or applicant of such item shall be allowed to explain the item's purpose and reasons for proposing it.

RULE 11

COUNCIL DEBATE

Section 1. Presiding Official May Debate.

The Mayor, or such other Councilmember who may be presiding, may move, second, and debate from the chair, subject only to such limitations of debate as are imposed by these rules on all Councilmembers, and shall not be deprived of any rights and privileges of a Councilmember by reason of his or her acting as the presiding official.

Section 2. Interruptions.

A Councilmember, once recognized, shall not be interrupted when speaking, unless it be to call him or her to order, or as herein otherwise provided. If a Councilmember, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if in order, he or she shall be permitted to proceed.

Section 3. Privilege of Closing Debate.

After all Councilmembers who wish to comment have had an opportunity to do so, the Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate, which will be affected by a motion.

RULE 12

COUNCIL VOTING

Section 1. All acts of Council shall be by voice vote, unless objection is made, then it shall be by ballot or roll call of the City Clerk, except as required by law. In the event that ballots are used, each Councilmember will sign, and they will become part of the City Clerk's record.

Section 2. No member of Council shall be excused from voting on any matter not involving their own official conduct or financial interest or on matters in which the Councilmember is otherwise prohibited from voting by state law. In all other cases, a failure to vote shall be recorded as an affirmative vote.

Section 3. A majority of the Councilmembers voting, a quorum being present, shall be necessary to carry any motion, provided however that four affirmative votes shall be required for an ordinance, the expenditure of money, or to make, ratify or authorize any contract on behalf of the City.

Section 4. No ordinance, unless it be declared an emergency measure in the opinion of the City Attorney, shall be passed until it has been read on two (2) separate days, or the requirement of reading on two (2) separate days has been dispensed with by a unanimous vote of the Councilmembers present; provided, that the requirement of reading on two (2) separate days shall never be dispensed with on ordinances making a grant, renewal, or extension of a franchise.

Section 5. Only those items on the agenda prepared and sent out for delivery prior to the meeting, as required under the provisions of Rule 9, shall be considered by Council. This policy may be waived upon motion as to specific items by a majority vote

of those Councilmembers present. At the time the vote for a waiver is taken, any Councilmember that objects to substantive action being taken on the item shall voice such objection to substantive action, whether the Councilmember votes for or against the consideration waiver. If no objection is made at that time, Council may take action on the item with only the number of votes required, as if the item had complied with Rule 9.

If an objection to action is timely made, Council may consider and debate the item, but no action may be taken. Objections to action may be withdrawn at any time.

Step 1	Presiding Official calls for vote to waive Rules, noting that objections to taking substantive action must be made with the vote	
Step 2	Vote taken; objections are waived if not voiced	Majority Rule
Step 3	If Objection made = Debate only No objection made = Action may be taken If Objection withdrawn after debate = Action may be taken	No Vote Majority Rule Majority Rule

RULE 13

ORDINANCES AND RESOLUTIONS

Section 1. Presentation.

All ordinances and resolutions offered for adoption shall be in writing.

Section 2. Final Passage of Ordinances and Resolutions.

(a) If Council is passing on the question of the adoption of an ordinance, and the question has been considered at a prior meeting or if the second reading is waived, the affirmative vote of four members of Council present shall constitute adoption of that ordinance.

(b) If Council is passing on the question of the adoption of a resolution, the affirmative vote of a majority of members of Council present shall constitute adoption of that resolution.

Section 3. Franchise Ordinances.

No ordinance making a grant, renewal, or extension of any franchise shall be finally adopted until it has been passed at two regular business meetings of Council, and no such grant, renewal, or extension shall be made otherwise than by ordinance.

Section 4. Ordinances are Superior to Resolutions.

No ordinance or part thereof shall be amended or annulled except by an ordinance adopted in accordance with the law.

Section 5. Effective Date of an Ordinance.

All ordinances passed by Council shall be effective on the date stipulated in the Ordinance. In the event that an Ordinance does not itself stipulate its effective date, it shall be effective immediately upon its enactment.

RULE 14

REGULAR BUSINESS MEETINGS

Section 1. Regular business meetings of Council shall generally be held in Council Chambers, in the Wilmington City Hall at 6:30 p.m., on the first and third Tuesdays of each month.

Section 2. The City Manager shall draft and propose to Council as an agenda item the annual calendar of regular business meetings, reasonably following the above traditional timing, but also taking into account holidays, events, and other significant conflicts.

Section 3. During the course of a year, if the date of a regular business meeting is determined to create a conflict, the City Manager shall propose to Council a calendar amendment as an agenda item.

Section 4. If, during a regular business meeting, the business of Council is not concluded by 12 am midnight, the meeting shall be recessed for the conclusion of such business on such day and hour as shall then be specially fixed by Council.

RULE 15

SPECIAL MEETINGS

Section 1. The Mayor, MPT, or any two Councilmembers may at any time call a special meeting by signing a written notice stating the time of the meeting, to be delivered to each Councilmember or left at his or her usual dwelling place at least six (6) hours before the meeting. The public shall be noticed of any special meetings in compliance with N.C.G.S. Section 143-318.12, and only business that is specified in the public notice shall be transacted at a special meeting.

Section 2. The delivery of formal written notice of a special meeting to a member of Council may be waived by him or her by so advising the City Clerk; and if such waiver is not in writing, the Councilmember shall reduce such waiver to writing at or before the special meeting, or not later than the next regular business meeting of Council, following the special meeting at which the Councilmember is in attendance.

RULE 16

REMOTE MEETINGS & PARTICIPATION

Section 1. Remote meetings held by use of electronic means are authorized by N.C.G.S. Sections 143-318.10, 143-318.13, and 166A-19.24. Remote meetings and remote participation are useful tools, but are not ideal. It is the expectation of the public, and Council as a body, that remote participation shall be used sparingly, and shall not be relied upon for regular use or convenience. In no event shall remote participation be utilized to conduct a quasi-judicial hearing.

Section 2. Councilmember participation shall be in person for all regular business meetings and closed sessions, except at exceptional need. Remote participation at such meetings shall not be used for mere convenience, but rather to allow Councilmember participation when unexpected or reasonably unavoidable circumstances prevent a Councilmember from attending in person. Examples include, but are not limited to, medical issues, necessary travel conflicts of greater than 50 miles, or conflicts incurred in performing City business.

Section 3. Any member of Council requesting to participate in a public meeting by electronic means shall notify the City Manager and Council of the need, and the basis for it as soon as possible. Meetings that include remote participation must be properly noticed, and adequate time for logistical arrangements and support is required.

Section 4. It shall be presumed that any Councilmember requesting to participate remotely in a regular business meeting or closed session that is scheduled in person is doing so at need. Any Councilmember may object to any proposed remote participation at such meetings. Such objection shall be raised as soon as possible, and is waived if not raised prior to the beginning of the Consent Agenda of a regular business meeting or at the beginning of the first item for consideration at a closed session. No debate or discussion of the request or any objection thereto shall occur by a quorum of Council except during a properly noticed public meeting. The presiding official shall initially determine whether the remote participation is in order. The presiding official's determination may be appealed to Council. Due consideration shall be given to the need to achieve a quorum.

Section 5. In the rare event that a Councilmember participates remotely, that Councilmember shall utilize both audio and video means. Video shall be on for a majority of the meeting, and shall only be intentionally disabled due to, and during, exceptional interruptions. Audio shall be muted except when needed to speak.

RULE 17

MOTIONS

Section 1. When a motion is made and seconded, it shall be restated by, or at the request of, the presiding official, and if made in writing, shall be read before being debated. Every motion shall be reduced to writing, if the presiding official or any Councilmember so requests, prior to debate.

RULE 18

PRIVILEGED MOTIONS

Section 1. When a question is under debate, no motion shall be received except a motion to adjourn, to table, to call the previous question, to postpone to a certain day, to commit or recommit, to amend, or to postpone indefinitely, which several motions shall take precedence in the above order.

Section 2. A motion to adjourn by a Councilmember who has been recognized shall always be in order, except on an immediate repetition or when, on the call for the previous or pending question, the same shall have been ordered, and shall be decided without debate.

RULE 19

MOTIONS TO STRIKE

Section 1. A motion to strike any pending item from the agenda may be made at any stage of the order of business prior to final adoption or passage; which motion shall be debatable, and if adopted, the pending agenda item shall not be further considered, but may again be introduced and considered at a future meeting.

RULE 20

COMMITTEES

Section 1. The Mayor shall appoint Council committees for such purposes as Council from time to time may direct.

Section 2. The Mayor may appoint ad hoc advisory committees of Councilmembers or of the public, in the Mayor's discretion.

Section 3. A Chairperson for each committee may be designated by the Mayor. If no Chairperson is designated by the Mayor, the committee shall elect its Chairperson by majority vote.

Section 4. In no event shall more than three (3) members of Council be appointed to any committee.

RULE 21

DUTIES OF COMMITTEES

Section 1. Committees of Council shall serve only in an advisory capacity. It shall be their duty to:

- (a) Consider and make recommendations to Council on policy matters;
- (b) Hold public hearings on questions, when requested to do so by Council;
- (c) In collaboration with the City Manager, make special studies and submit reports to Council on matters falling within that committee's province;
- (d) Meet with the City Manager when requested by him/her for policy discussions or advisory purposes.

Section 2. Committees shall meet upon the call of either the Mayor or the Chairperson of the committee, or in the Chairperson's absence, then the Vice-Chairperson, or the City Manager.

Section 3. To assure the orderly and expeditious handling of petitions and other matters presented to Council or to individual Councilmembers, and to afford the administrative departments of the City an opportunity to investigate the facts with respect

thereto for the benefit of the committees and Council, the following procedures shall be adhered to:

- (a) Requests and petitions received by individual Councilmembers shall be routed to the City Manager for investigation.
- (b) 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.
- (c) 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/her report thereon to the committee within such time as may be designated by the committee; and the committee shall consider said report and recommendations, along with other information received by it in arriving at its decision.

RULE 22

FILLING VACANCIES ON CITY COUNCIL

Section 1. When a vacancy occurs or will occur in the office of Mayor or Council, the vacancy will be filled in accordance with the following procedure:

- (a) Except in situations requiring an immediate appointment due to matters under consideration by the Council, the filling of a pending vacancy shall be considered at two regular business meetings. The City Clerk shall be directed to advertise for applications to fill the pending vacancy at least twelve (12) days prior to the initial regular business meeting. Applications shall be received by the City Clerk until 5:00 p.m. on the last working day prior to the initial regular business meeting. Applications may be in the form of either a letter or resume.

(b) At the initial regular business meeting, each candidate will be allowed to address Council for three (3) minutes about why they should be selected to fill the vacancy. Any vote on the filling of the vacancy shall be held at the following regular business meeting of Council. Council will consider only those candidates that have filed an application and are otherwise eligible to serve as a Councilmember per Wilmington City Charter §3.2. If there are more than four applicants, each Councilmember will compose a rank order list of the Councilmember's top four candidates. The City Clerk will compile a rank order list of all Councilmembers' top four candidates for consideration at the next regular business meeting.

(c) When Council is scheduled to vote on filling the vacancy, the presiding official shall accept nominations from the members of Council beginning with the Mayor, the MPT, and then in order of seniority of Council service (ties decided by the presiding official) until there are no more nominations. Each Councilmember shall have a right to nominate a person for each vacancy being filled. Any person eligible to serve on Council may be nominated.

(d) Once nominations are closed, the floor will be opened for a discussion of the candidates, after which the candidates shall be voted on in the order in which they were nominated. As soon as one of the nominees receives a majority vote, such nominee shall be elected, and no votes shall be taken on the remaining nominees unless there is more than one (1) vacancy in the office.

RULE 23

PARLIAMENTARY PRACTICE

Section 1. The rules of parliamentary procedure comprised in Robert's Rules of Order (A Manual of General Parliamentary Law) shall be parliamentary authority for Council, except as otherwise provided in these Rules or by law.

RULE 24

PUBLIC ENGAGEMENT SESSIONS

Section 1. The City of Wilmington endeavors to foster a well-informed citizenry and participatory government by means of various citizen engagement strategies. One such strategy is engagement sessions, commonly referred to as “Town Hall meetings” or “Community meetings.” These engagement sessions may be hosted as:

- (a) A City event organized and sanctioned by the City;
- (b) An individual event hosted by a Councilmember(s), and assisted by City staff;
- (c) An individual event hosted by a Councilmember(s), without significant City staff assistance.

Section 2. There are important distinctions between meetings hosted by the City organization and those hosted by individual Councilmembers. The City has issued a guideline document, “Attachment A – Guidelines for Individually Hosted Council Engagement Sessions,” to provide guidance for engagement sessions hosted by individual Councilmembers, whether assisted by City staff or not, and to create a shared understanding of how limited City resources may be used to support such meetings. The goals are to balance both limited staff resources with existing workload, as well as to ensure that all Councilmembers have equitable access to available City staff.

Section 3. Councilmembers shall comply with “Attachment A” when calling and hosting any meetings to which the policy applies per its terms. Town Hall meetings subject to this policy are limited to two (2) events per year per Mayor or individual Councilmember.

RULE 25

AMENDMENT OF RULES

Section 1. Amendments to these rules shall be submitted in writing at any regular business meeting of Council, and shall be adopted only by an affirmative vote of at least four Councilmembers at the succeeding regular business meeting.

Guidelines for Individually Hosted Council Engagement Sessions

PURPOSE

The City of Wilmington endeavors to foster a well-informed citizenry and participatory government by means of various citizen engagement strategies. One such strategy is the “town hall meeting.” There are important distinctions between meetings hosted by the City and those hosted by individual elected officials. These guidelines seek to provide guidance for town hall meetings hosted by individual Council members, and to create a shared understanding of how limited City resources may be used to support such meetings. The goals are to balance both limited staff resources with existing workload, as well as to ensure that all Council members have equitable access to available City staff.

DEFINITIONS

This policy addresses two types of individually hosted Council meetings.

- Town Hall meetings - hosted by an elected official and supported with City resources. They may be virtual or in person.
- Community meetings - called by an elected official without direct City staff involvement. These meetings are hosted by an elected official but without utilizing City staff or resources beyond identifying the meeting site or facility. In those cases, the Council members are responsible for the agenda, speakers and recording any potential follow up items.

POLITICAL ACTIVITY

The City of Wilmington staff shall not provide support for overtly political activity. It is imperative that City staff remain apolitical and objective. Constituent meetings (if attended by any City staff) should focus on the exchange of information/ideas and should not be subject to characterization as a political rally or campaign event.

These guidelines will be suspended from 30 days prior to the first day of the filing period for municipal elections in New Hanover County through the last scheduled day for a municipal election. Specifically, Council members may not receive complimentary use of City-owned facilities, City support with publicity, or meeting participation from City staff, while campaigns are being conducted for municipal office.

GENERAL PRACTICES

Council members shall publicly announce during a regularly scheduled City Council meeting any Town Hall or Community meetings they intend to host. The announcement should include the meeting date, time, and location.

Guidelines for Individually Hosted Council Engagement Sessions

Town Hall and Community meetings shall be open to the general public. Council members must be aware of any potential conflicts with open meeting statutes (such as a quorum of Council members being present). Staff is available to advise if needed.

In order to balance staff workload demand, Town Hall meetings are limited to 2 events per year per Mayor or Council member. If the Mayor and Council members each took their full allotment of Town Hall meetings in a year, then the City staff would support no more than 14 events during that year.

Council members may call Community meetings at their discretion. Since there is very little staff support, the only limitation is available space on the calendar and at the facilities.

STAFF SUPPORT

Upon a Council member's request, staff may provide the following types of support for Town Hall meetings:

- secure meeting space or arrange for the virtual format;
- submit publicity requests to the Communications Division;
- prepare information for Council members to share at meetings;
- schedule, as requested, staff for presentations on a particular topic of interest;
- attend meetings;
- follow up on questions or concerns raised at the meetings.

Council members may receive publicity assistance with Town Hall meetings from the City's Communications Division, to include a press release, email notifications (within the City's email notification framework), announcements on the City website, and posts on the City's social media accounts.

While City staff wish to be accommodating of speaking requests, Council members are asked to be mindful of demands on staff time. Staff presentations are more typically provided at meetings hosted by the City organization, such as established meetings of the advisory committees, or community meetings for a specific project.

Council members should try to give City staff at least 30 days' notice for a Town Hall meeting in order to develop the agenda, schedule the appropriate City staff support, begin preparation for any presentations, and publicize the meeting.

LOCATION

Guidelines for Individually Hosted Council Engagement Sessions

Council members are encouraged to use City facilities for Town Hall and Community meetings. Public meetings held in public spaces demonstrate a commitment to openness and accessibility as well as affording residents additional opportunities to visit City facilities.

Community centers are ideal locations for Town Hall and Community meetings, as they are open and staffed during evening/weekend hours and provide free parking. Should a Council member wish to host a Town Hall or Community meeting in a community center or other City-owned facility, the following factors should be considered:

- Except for the Wilmington Convention Center, Council members will not be required to pay standard rental costs at City-owned fee-based facilities for meetings. Since the number of fee-free City uses is limited at the Convention Center, that resource cannot be made available without charge. Council members are asked to be mindful that complimentary use of spaces precludes the spaces from being available for private rentals, potentially creating an indirect cost to the City.
- Meetings must be scheduled during a facility's regular hours of operation.
- Previously established programming or private rentals will not be cancelled or relocated to accommodate a Town Hall or Community meeting.
- Support for Community meetings from community center staff will be limited to directing attendees to the appropriate room and room set up, i.e., setting up chairs and tables. As with private rentals, hosts of community meetings should ensure a space is left in the same condition it was found.
- Community center amenities and supplies (i.e., audio-visual equipment, white boards, easels, Wi-Fi, etc.) vary by location. Staff may be able to identify needed supplies.