

**TOWN OF APEX PLANNING BOARD**  
**RULES OF PROCEDURE**  
**Adopted May 11, 2020**

**1. Regular Meetings**

The Board shall hold a regular meeting on the second Monday of each month, except that if a regular meeting day is a holiday recognized by the Town of Apex, the meeting shall be held the Tuesday of the same week. The meeting shall be held in the Apex Town Hall Council Chambers and shall begin at 4:30 p.m, unless a remote meeting is authorized by the Town Council following a declaration of state of emergency. A copy of the Board's current meeting schedule shall be filed with the Town Clerk.

**2. Special, Emergency, and Adjourned or Recessed Meetings**

*Special Meetings* – The Chair, Vice-Chair, or any two voting members of the Board may at any time call a Special Board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least forty-eight (48) hours before a special meeting called in this manner, written notice of the meeting stating its time, place, and the subjects to be considered shall be emailed to each Board member, posted on the Town bulletin board, published on the Town's website, and emailed to each news outlet and person who has filed a written request for notice with the Town Clerk. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice. All special meetings shall be held in the Apex Town Hall Council Chambers unless otherwise specified in the written notice.

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

*Emergency Meetings* – The Chair, Vice Chair, or any two voting members of the Board may at any time call an emergency Board Meeting by signing a written notice stating the time of the meeting and the subjects to be considered. The notice shall be emailed to each Board member or left at his or her usual dwelling place. Notice of the meeting shall be given to each news outlet or person that has filed a written emergency meeting notice request, which includes the news outlet or person's telephone number, with the Town Clerk. This notice shall be given either by telephone or by the same method used to notify the Board members, and shall be given at the expense of the party notified. All emergency meetings shall be held in the Apex Town Hall Council Chambers unless otherwise specified in the written notice.

Emergency meetings shall only be called because of generally unexpected circumstances. Only business connected with the emergency may be considered at an emergency meeting.

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*Adjourned or Recessed Meetings* – A properly called regular, special, or emergency meeting may be adjourned or recessed by a procedural motion made and adopted as provided in Rule 12 in open session during the regular, special, or emergency meeting. The motion shall state the time, date and place when a recessed meeting will reconvene. No further notice need be given of an adjourned or recessed session of a properly called regular, special, or emergency meeting. Regular, special, or emergency meetings shall be reconvened in the Apex Town Hall Council Chambers unless otherwise specified in the motion to adjourn or recess.

**3. Agenda**

At the direction of the Chair, the Director of Planning and Community Development or designee shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least five (5) working days before the meeting. Any Board member may have an item placed on the agenda so long as the request is timely and is consistent with the notice requirements of Rule 2, if applicable. Each Board member shall receive a copy of the proposed agenda by email and the agenda shall be available for public inspection and distribution or copying when it is distributed to the Board members.

**4. Office of Chair**

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

The Chair shall have the following powers:

- a. To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- b. To determine whether a speaker has gone beyond reasonable time, standards, or courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- c. To entertain and answer questions of parliamentary law or procedure;
- d. To call a brief recess at any time; and
- e. To adjourn in an emergency

**5. Office of Vice Chair**

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

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**6. Presiding Officer When the Chair is in Active Debate**

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

**7. Action by the Board**

The Board may proceed by motion. Any voting member may make a motion. Any voting member may second the motion. Debate on a motion shall not occur until there is a second. The Chair shall deem any motion that does not get a second as failing for the lack of a second. A new motion may be made by any member at that time.

**8. One Motion at a Time**

A voting member may make only one motion at a time; however, if a motion is deemed by the Chair as failing for the lack of a second, any voting member can make an alternate motion.

**9. Substantive Motions**

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

**10. Adoption by Majority Vote**

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

**11. Debate**

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

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

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**12. Procedural Motions**

In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption.

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

- a. To Adjourn. The motion may be made only at the conclusion of action on a pending substantive matter; it cannot interrupt deliberation of a pending matter. A motion to adjourn or recess to a time and place certain shall also comply with the requirements to Rule 2.
- b. To Take a Brief Recess.
- c. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.
- d. To Suspend the Rules. The motion requires for adoption a vote equal to two-thirds of the voting membership of the Board. The Board may not suspend provisions of the rules that state requirements imposed by law on the Board.
- e. To Divide a Complex Motion and Consider It by Paragraph.
- f. To Postpone Definitely or Indefinitely. A substantive motion, the consideration of which has been postponed definitely for more than 30 days or indefinitely, may result in an item being heard by the Town Council without a recommendation by the Planning Board.
- g. Call of the Previous Question. The motion is not in order until every member has had an opportunity to speak at least once. The motion requires for adoption a vote equal to two-thirds of the voting membership of the Board.
- h. To Postpone to a Certain Time or Day.
- i. To Amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the amended motion has the same effect as rejection of the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last offered amendment is disposed of by a vote.
- j. To Reconsider. The motion must be made by a voting member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of the meeting through adjournment of the meeting, however, its consideration cannot interrupt deliberation on a pending matter. The motion denominated “to reconsider and enter on the minutes” shall not be in order.
- k. To Rescind or Repeal. The motion is not in order if rescindment or repeal of an action is forbidden by law.

**13. Withdrawal of Motion**

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

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**14. Duty to Vote**

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

**15. Quorum**

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

**16. Minutes**

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

**17. Reference to Robert's Rules of Order**

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the Board shall refer to **Robert's Rules of Order, Revised**, to answer unresolved procedural questions.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Planning Board Chair