



Rules of Procedure

Wilmington Urban Area Metropolitan Planning
Organization

Adopted

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CHAPTER 1 – AUTHORITY OF RULES

A. AUTHORITY

The MPO Board shall establish its own Rules of Procedure in a clear and concise manner to assist them in the general conduct of MPO business. These rules shall prevail to govern the order and conduct of business of the MPO Board until modified or new rules are adopted.

During MPO Board's discussions, deliberations, and proceedings, the Chairman has been designated with the primary responsibility to ensure that the Board and members of the public adhere to the Board's procedures.

B. APPLICATION

These procedures shall be applicable to all members of the MPO Board.

C. DEFINITIONS

MPO Member Jurisdictions: City of Wilmington, Town of Belville, Town of Carolina Beach, Town of Kure Beach, Town of Leland, Town of Navassa, Town of Wrightsville Beach, Brunswick County, New Hanover County, Pender County, Cape Fear Public Transportation Authority, and the North Carolina Board of Transportation.

MPO Board Members: The MPO Board is the policy and decision-making body for the Wilmington Urban Area Metropolitan Planning Organization. The Board is comprised of elected and appointed officials from the City of Wilmington, Towns of Belville, Carolina Beach, Kure Beach, Leland, Navassa, Wrightsville Beach, Brunswick County, New Hanover County, Pender County, Cape Fear Public Transportation Authority, and the North Carolina Board of Transportation.

Alternates: Each of the member boards may appoint one (1) Alternate provided each Alternate also meets the same qualifications of membership. The Alternate member will serve as a full voting member during any meeting where the board's representative(s) is not in attendance.

CHAPTER 2 – MPO BOARD ORGANIZATION AND DUTIES

A. GOVERNING BODY

The MPO Board shall constitute the Governing Body of the Wilmington Urban Area Metropolitan Planning Organization. The Board shall consist as specified in the adopted Memorandum of Understanding. The eligible voting member list consists of a representative from each of the appointment boards with the City of Wilmington having two representatives.

B. DUTIES OF THE GOVERNING BODY

MPO Board Members and MPO staff shall conduct the business of the Wilmington Urban Area Metropolitan Planning Organization. The MPO Board's duties and responsibilities are outlined in the adopted Memorandum of Understanding.

C. ELECTION OF OFFICERS

The Chairman and Vice-Chairman shall be elected annually by the voting members of the Board with their term to begin at that meeting. In the event that there is no Chairman or Vice-Chairman, the TCC Chairman shall preside until a Chairman and Vice-Chairman are elected. The Chairman and Vice-Chairman shall serve for a period of one (1) year from their election and may be re-elected.

D. DUTIES OF THE CHAIRMAN

The Chairman shall:

- preside at all meetings of the Board.
- be responsible for the control, debate and order of speakers.
- decide all questions of order.
- confine debate to matters under discussion.
- put to a vote all matters properly presented before the MPO Board and to declare the result thereof for the record.

E. DUTIES OF THE VICE-CHAIRMAN

The Vice-Chairman shall:

- in the absence of the Chairman, the Vice Chairman shall assume the duties of the Chairman.

G. APPOINTMENTS TO COMMITTEES

The Wilmington Urban Area Metropolitan Planning Organization utilizes direct citizen input through the voluntary appointment of individuals to various committees (e.g., Bicycle and Pedestrian Advisory Committee and Citizen Advisory Committee).

The MPO Board members shall be charged with the responsibility of appointing individuals to serve on these MPO Committees.

Vacancies

A vacancy on a committee shall be effective on the date stated in the individuals' written notice of resignation filed with the MPO.

Candidate Qualifications

Preferred candidates for appointment shall be at least 18 years of age or older and a resident of the jurisdiction of which the committee member will represent, or be otherwise connected to the community in terms of property ownership, business affairs, or by offering a unique and necessary expertise.

Appointment Process

The appointment process will be determined by the MPO Board member making the appointment to the Committee.

Compensation

The Appointees serve on a volunteer basis and shall not be compensated for their services.

Attendance

Each committee member shall be expected to attend each scheduled meeting.

CHAPTER 3 – CONDUCT OF THE MPO BOARD

A. GENERAL CONDUCT

These rules are intended to facilitate professional and orderly conduct of meetings of the Wilmington Urban Area Metropolitan Planning Organization. The purpose of these rules are to provide an orderly and consistent procedure for conducting such meetings. These rules should be followed as necessary to conduct the Board meetings of the Wilmington Urban Area Metropolitan Planning Organization.

All members shall have and share equal rights, privileges, responsibilities and obligations which include but are not limited to the following:

- All Members present and participating in meetings have the right to make, second, or amend motions.
- All Members present and participating have the right to participate in debate when discussion is permitted.
- All Members have the right to make inquiries and seek clarification or further information on pending matters.
- All Members present for meetings have the right to vote on matters, unless prevented by a conflict of interest. If a conflict exists, the member(s) shall request to be recused from discussion and voting on the item. A Conflict of Interest statement will be attached to the minutes of the meeting in which any discussion or vote was taken relating to that conflict disclosure.

B. CONDUCT WITH MEMBERS

Members shall conduct themselves in a proper, professional and ethical manner during all proceedings, and shall respect each other and follow the rules. Each Member shall demonstrate courtesy and respect for the Board and its members, public, and staff.

MPO Board Members shall:

- treat each other and everyone with courtesy and respect.
- refrain from inappropriate behavior and derogatory comments.
- respect and value each other's time.
- limit their comments to the subject matter, item, or motion being currently considered.
- maintain order and decorum during the meeting.
- abide by the *Governing Body Rules of Procedure* in conducting the business of the Wilmington Urban Area Metropolitan Planning Organization.

- exercise control as to the length of their comments.
- respect each other's opportunity to speak and, if necessary, agree to disagree.

C. CONDUCT WITH COMMITTEES

MPO Board Members shall:

- treat all members of MPO committees with appreciation and respect.
- value and respect the service these committee members provide to improve transportation in the Wilmington region.

D. CONDUCT WITH THE MEDIA

MPO Board Members shall:

- not discuss with the media confidential or privileged information pertaining to closed sessions, attorney-client privileged or attorney work product communications including without limitation personnel or litigation.

Press releases will be prepared by the Executive Director or MPO staff for release to the media.

E. LITIGATION AND CONFIDENTIAL INFORMATION

MPO Members shall:

- keep all materials and verbal communication provided to them on matters that are privileged or confidential pursuant to federal or state law in complete confidence to ensure that the MPO's position is not compromised.

F. ETHICAL CONDUCT

MPO Board Members shall:

- conduct themselves in an ethical manner.
- conduct themselves in a manner compliant with Chapter 138A of the North Carolina General Statutes.
- abide by certain ethics standards and certain provisions of the Ethics Act (S.B. 411; S.L. 2013-156) and the Ethics Act through G.S. 136-200.2.

CHAPTER 4 – MPO BOARD MEETINGS AND SCHEDULES

A. REGULAR MEETINGS

Regular meeting schedules will be adopted by the Board at the last meeting of the calendar year for the upcoming year. These meetings will typically be held eleven (11) times per calendar year unless otherwise approved. Notice of these meetings will be published in the Star News and Wilmington Journal at least five (5) days prior to the day of the meeting and also posted in accordance to the State Open Meetings Laws. These meetings and agendas will also be published on the WMPO's website. These meetings are open to members of the public and upon request anyone can be placed on the Board mailing list. At the beginning of each regular meeting, a sign-in sheet will be available before each meeting for those who wish to sign up to speak. Each speaker is limited to three (3) minutes and the entire public comment period shall not exceed fifteen (15) minutes. If necessary, the Chairman can extend the public comment period by a vote of the Board.

Regular meetings of the MPO Board shall be held on the last Wednesday of each month at three (3:00) o'clock P.M., in the 6th Floor Conference Room at 320 Chestnut Street in downtown Wilmington or at such other locations as determined by a majority of the MPO Board members. Any alternate location or change in meeting time shall be specified in the meeting notice.

B. SPECIAL MEETINGS

The Chairman or a majority of board members may at any time call a special meeting of the Board by signing a notice stating the time and place of the meeting and the subjects to be discussed. The person or persons calling the meeting shall cause the notice to be posted at City Hall in downtown Wilmington or the door of the regular meeting place at least forty-eight hours before the meeting. In addition, the notice shall be e-mailed or mailed to individuals and local news organizations. Only items of business specified in the notice may be transacted at a special meeting.

C. EMERGENCY MEETINGS

If a special meeting is called to deal with an unexpected circumstance requiring immediate consideration, the notice requirements of this rule do not apply. However, the person or persons calling an emergency meeting shall take responsible action to inform the other board members and the public of the meeting. Local news organizations having requested notice of the special meetings shall be notified of such emergency meetings by the same method used to notify the board members. Only business connected to the emergency may be discussed at this meeting.

D. CLOSED SESSIONS

Closed sessions shall generally be conducted as needed. In accordance with the North Carolina General Statutes, closed sessions shall be held only when required to permit a public body to

act in the public interest as permitted in N.C.G.S. § 143-318.11. A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall state one or more of the authorized purpose(s) for the closed session.

Closed sessions are closed to the public. The closed session is to protect important privacy interests and matters that are confidential or privileged under federal or state law, and subjects discussed during these sessions should not be shared outside of the session. No action will be taken during closed session except as permitted by state law.

No closed session will be held without the presence of MPO legal counsel.

E. PUBLIC HEARINGS

The MPO Board shall hold public hearings when required by federal, state or local law. Public hearings are officially opened and closed by the Chairman.

F. ATTENDANCE

Each member shall be expected to attend each scheduled meeting. Any Board member asking to be excused shall require a call to the MPO's Executive Director at least 24 hours in advance of the meeting. The Executive Director will at the beginning of the Board meeting, list the members requesting to be excused which will require a vote from the Board to approve these excused absences. If an Alternate attends a meeting in place of the member, this will not count as an absence for the member. For members not attending three (3) consecutive Board meetings, the Chairman will send to the chief elected officer of the jurisdiction of the member in question, a letter indicating the number of absences and requesting re-affirmation or re-designation of the jurisdiction's representative.

G. MEETING RULES

Meetings shall be conducted under parliamentary procedures consistent with Robert's Rules of Order, most recent edition.

CHAPTER 5 - MEETING GUIDELINES & PROCEDURES

A. GENERAL

Authority

The MPO Board acts as a body and policy is established by majority vote.

Majority Vote

Any member may call for a vote on any issue provided that it is seconded and within the purposes set forth in the "Memorandum of Understanding." Each voting member of the Board shall have one vote, and a majority vote of those present and voting shall constitute approval of any motion, provided a quorum exists and provided that a super-majority vote is not required for approval of the item under applicable law, the WMPO Board Bylaws or these Rules of Procedure. Abstentions are not included in the tally of the votes. A Board member's absence, whether excused or unexcused, shall not be counted as an affirmative or negative vote on any matter. Proxy and absentee voting are not permitted.

Meetings to be Public

All meetings of the MPO Board are required to be open to the public with the exception of closed sessions.

Quorum

A quorum is required for the transaction of all business, including conducting meetings or hearings, participating in deliberations or voting upon or otherwise transacting public business. A quorum consists of 51% of the members of the Board, plus as many additional members as may be required to ensure that 51% of the possible votes are present.

Location

All public meetings shall be held at 320 Chestnut Street in the 6th Floor Conference Room, or at such other locations as determined by a majority of the MPO Board members. Any alternate location or change in meeting time or location shall be specified in the notice for the meeting.

Action

Action by the Board shall be taken by means of resolution or oral motion duly made and passed by the majority as a body.

Public actions of the Board shall be recorded in the minutes of all regular meetings, special meetings and/or emergency meetings. Resolutions shall also be recorded and filed in the MPO offices.

The Board may take action on items calendared on the agenda. Items may be added or removed prior to adoption of the agenda.

Sequence of Agenda Items

The MPO Board adopts the agenda at the beginning of the meeting. The sequencing of the items can be modified by the Board upon adoption of the agenda.

Minutes

It is the responsibility of the MPO's Clerk or designated recording secretary to keep and enter a written account of all Board meetings. The official record of the meeting is the minutes after they have been approved by the MPO Board.

Right of Floor

The Chair will recognize members of the Board, staff or audience desiring to speak, and confine remarks to the subject under consideration.

MPO Executive Director

The Executive Director or designee attends all MPO Board meetings and work sessions and may make recommendations to the Board.

B. AGENDA

The agenda is the list of items suggested for consideration and/or discussion at a Board meeting. Agenda items originate from the Executive Director or as a carry-over from previous meetings.

C. REQUIREMENTS FOR AGENDA ITEM SUBMISSION

Technical Coordinating Committee (TCC) and Board members may submit an item(s) to their respective TCC and Board agendas. In order for a Board member to submit an item(s) to the TCC or Board, the item(s) must be submitted no later than 5:00 p.m. the first business day of the calendar month in which the item is requested to be considered. The item must include all pertinent background materials (resolution, maps, etc.). The Board shall approve the agenda at the beginning of each meeting. At this time, the Board shall have the ability to add or remove any item on the agenda by a vote of at least two-thirds (2/3) of the Board's voting members present. An item added to the agenda will be placed for consideration at the end of the meeting.

D. AGENDA PACKET PREPARATION

The Executive Director shall review and approve all items for the MPO Board agendas. The agenda packets shall be provided to the Board at least 5 days prior to the Board meetings for Regular Meetings. For Special Meetings, the packets shall be provided no less than 48 hours prior to the meeting. For Emergency Meetings, the agenda may be provided in advance or at the meeting.

The agenda and agenda packets are compiled and distributed through the Executive Director. Packet information will be electronically transferred via e-mail to the MPO Board members. In addition, the agenda packets are also placed on the Wilmington Urban Area Metropolitan Planning Organization's website.

E. AGENDA FORMAT

The Board may reorder the agenda items to expedite the agenda or for the benefit of the public.

Call to Order

The Chairman shall open each regular meeting at the appointed hour.

Conflict of Interest Statement

In accordance with Senate Bill 411, it is the duty of all MPO Board members, alternates or designees to disclose in writing any conflicts of interest. The statement will be attached to the minutes of the meeting in which any discussion or vote was taken relating to that conflict disclosure.

Approval of Board Member Excused Absences

Each member shall be expected to attend each scheduled meeting. Any Board member asking to be excused shall require a call to the MPO's Executive Director at least 24 hours in advance of the meeting. The Executive Director will at the beginning of the Board meeting, list the members requesting to be excused which will require a vote from the Board to approve these excused absences.

Approval of the Agenda

The MPO Board shall approve the agenda at the beginning of each regular meeting. This approval will outline the business of the Board's meeting.

Election of Officers

The Chairman and Vice-Chairman shall be elected annually by the voting members of the Board, with their terms to begin at that meeting. The Chairman and Vice-Chairman shall serve for a period of one (1) year from their election and may be re-elected. This election shall occur during the first Board meeting of the calendar year or as needed upon a resignation of the Chairman or Vice-Chairman.

Public Comment Period

Time shall be set aside at every regular meeting and work session to allow the public to address the Board on matters that are listed or not listed on the printed agenda. Those wishing to speak may do so during the "Public Comment" period. At the beginning of each regular meeting, a sign-in sheet will be available before each meeting for those who wish to sign up to speak. Each speaker is limited to three (3) minutes and the entire public comment period shall not exceed fifteen (15) minutes. If necessary, the Chairman can extend the public comment period by a vote of the Board.

Each person addressing the MPO Board must approach the front of the room when recognized by the Chairman, communicate his or her name and address and then their public comments.

Members of the MPO Board are discouraged from engaging in debate with a member of the public at the Board meetings.

Closed Session

The Closed Session portion of the meeting is reserved for times when the Board determines it necessary to enter into a Closed Session as allowed by North Carolina General Statute. It does not preclude the Board from entering into Closed Session at any point during an open meeting as the Board deems necessary.

Presentation(s)

This time may be used as necessary to present awards or to receive remarks and presentations by distinguished guests or staff on items of interest to the Board.

Consent Agenda

These are items on the MPO Board agenda which are considered to be of a routine and noncontroversial nature by the Executive Director, shall be listed on the consent agenda. These items shall be acted upon collectively under a single motion. A member of the Board may remove any item from the consent agenda for discussion. Any item removed will be heard immediately following action on the remaining consent agenda items.

Public Hearings

The Public Hearings portion of the meeting is reserved for any items requiring a formal public hearing when required by federal, state or local law.

Old Business

Old Business contains items which have been previously discussed and require Board action or direction.

Regular Agenda

The Regular Agenda contains items which may not have been previously discussed and require Board action or direction. These items may or may not be considered controversial. These items will be accompanied by a resolution.

Discussion

Discussion items are items that require Board discussion. These items will not include an accompanying resolution. Items listed under discussion may or may not receive action and/or direction during a meeting. The Board may decide to take action on any discussion item or may request staff to return with an accompanying resolution at a future date.

Updates

This time is reserved to receive updates from the MPO and the various transportation partners on efforts underway in their respective organizations. Typically this information is provided in written form and included in the agenda packet.

Announcements

This is the time when any upcoming public meetings that would be of interest to the Board are provided.

Adjournment

Before there can be an adjournment, the Board must, by proper action, move and vote for adjournment. Upon adjournment, the meeting is ended and no further business can be conducted.