

RESOLUTION 16-02
Town of Holden Beach
BOARD OF COMMISSIONERS
Special Meeting on February 16, 2016

**MOTION TO ADOPT REGULATIONS GOVERNING INVITED
SPEAKERS AND SPOKESPERSONS PURSUANT TO RULE 5 OF
THE BOC RULES OF PROCEDURE**

WHEREAS, Rule 5 of the BOC Rules of Procedure (adopted pursuant to §30.19 of the Ordinances of the Town) authorizes the BOC to govern and regulate speakers and spokespersons that wish to address the BOC at any meeting, as follows:

“Rule 5. Public Address to the Board

Any individual or group who wishes to address the board shall make a request to be on the agenda to the secretary designated by the board or, if no secretary is so designated, the town clerk. However, the board shall determine at the meeting whether it will hear the individual or group.”

WHEREAS, it is in the best interests of the orderly conduct of meeting of the BOC to provide a fair and practical procedure for speakers and spokespersons who desire to address the BOC (including speakers and spokespersons invited by the Mayor, one or more other members on the BOC or the Town Manager) to make request prior to the issuance of the Proposed Agenda for the meeting at which such speakers or spokespersons propose to address the BOC;

WHEREAS, such procedures enable BOC and its Executive Secretary and the Town Clerk to better manage the BOC’s agenda and agenda packages, and avoid, among others, the following potential problems: (i) speakers or spokespersons are required to show-up at a meeting without knowing whether or not they will be permitted to address the BOC; (ii) the BOC is required to decide whether or not a speaker or spokesperson should be permitted to address the BOC without knowing the subject matter or time required for the presentation; (iii) other speakers or spokespersons who may wish to support or rebut a speaker or spokesperson may not have adequate notice or opportunity to request to address the BOC on the same subject matter; or (iv) the

BOC may be placed in the awkward position of turning down a proposed speaker or spokesperson who has shown-up at a meeting at the invitation of a single member of the BOC;

WHEREAS, the regulations attached hereto as Exhibit A are intended to provide a simple procedure to ensure that proposed speakers or spokespersons are endorsed by a majority of the BOC or that any request or invitation to address the BOC will be voted on by the BOC at a meeting with the expectation that, if approved by a majority of the BOC, the speaker or spokesperson will address a later meeting as determined by the BOC in the exercise of its discretion;

NOW, THEREFORE, BE IT RESOLVED that regulations in the form attached as Exhibit A hereto (and presented to the BOC in writing at this meeting) are hereby adopted pursuant to the express provisions of Rule 5 of the BOC Rules of Procedure (adopted pursuant to §30.19 of the Ordinances of the Town) to be effective immediately upon adoption to govern the scheduling and approval of addresses to meetings of the BOC pursuant to Rule 5 of the BOC Rules of Procedure.

This the 16th day of February, 2016.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk

Town of Holden Beach BOARD OF COMMISSIONERS

Regulations for Addresses by Individual or Groups At Regular and Special BOC Meetings Under Rule 5 of the BOC Rules of Procedure

Rule 5 of the BOC Rules of Procedure* provides for individuals or groups to address regular or special meetings of the BOC only at the invitation of the BOC. It is different from Rule 28(b), which provides any member of the Town of Holden Beach public with the right to address the BOC on any topic within the scope of the BOCs authority. Rule 28(b) implements the public comment period requirement of North Carolina G.S. §160A – 81.1

Rule 5 does not confer a right to speak; rather it provides an opportunity for a speaker or spokesperson for a group, who may or may not be a member or members of the Town of Holden Beach public, to address the BOC on a specific subject matter either (i) at the invitation of the BOC, or (ii) with the consent of the BOC. Therefore, a speaker or spokesperson under Rule 5 may only address the BOC pursuant to the approval of a request or the issuance of an invitation approved by the majority vote of the BOC.

The purpose of these regulations is to facilitate the procedures for such invitations and requests in order to avoid confusion and wasting the time of prospective speakers and spokespersons.

1. Speakers and Spokespersons Must be Listed on Approved Agenda. No speaker or spokesperson shall address the BOC at any regular or special meeting pursuant to Rule 5 unless: (i) the address is listed on the agenda for that meeting presented in the agenda package and approved by majority vote at the meeting; (ii) the agenda identifies the speaker or spokesperson, if he or she is a spokesperson identifies the group being represented, summarizes his or her credentials and summarizes the subject matter of the address; (iii) if the speaker is acting as the representative of another person or legal entity (for example, if the speaker is a lawyer representing a client) the agenda shall identify that person or entity; (iv) if the speaker has been invited to address the BOC by the mayor, another member of the BOC or the Town Manager the agenda shall name the official issuing the invitation; and (v) the proposed time period has been allotted to the address.

2. Agenda Package. No speaker or spokesperson shall address the BOC at any regular or special meeting pursuant to Rule 5 unless the agenda package for that meeting includes a written copy or summary of his or her proposed remarks and copies of any materials he or she proposes to present as part of his or her address.

3. Request to Address BOC. Any person or group who wishes to address the BOC pursuant to Rule 5 at any regular or special meeting shall submit a written request to the Secretary or Town Clerk (if the Executive Secretary is not available) (i) identifying the speaker or spokesperson, (ii) stating the subject matter of the proposed address, (iii) proposing the date of the meeting to be addressed (and explaining if the request is time

sensitive), (iv) explaining why the subject matter cannot be adequately addressed during a public comment period, and (v) stating the time allotment requested.

4. Invitation to Address BOC. The Mayor, any other member of the BOC or the Town Manager may submit such a request on behalf of any person or group or endorse any such request in writing or orally to the Secretary prior to the cutoff date for the agenda package. If two or more voting members of the BOC make or endorse such request, and the material required for the agenda package are timely submitted, the address will be listed under the public hearing section of the agenda; otherwise, the address will be noted as a "pending request or invitation to address the BOC; in either case with all of the details required by Rule 1 above.

5. Approving Addresses or Presentations Listed on Proposed Agenda. By approving the agenda at a meeting by majority vote without change to any addresses listed in the public hearing section, the BOC will be deemed to have approved such requests or invitations. Alternatively, the BOC may, by majority vote strike, defer to another meeting, change the order of presentation, limit the subject matter scope or limit the allotted time of any address. Subsequently, during the meeting, the BOC may by adoption of a motion defer or table an address or presentation, adjourn prior to hearing the address, reduce the time allotted or suspend the address if the speaker or spokesperson departs from the subject matter.

6. Approving Pending Requests or Invitations. The BOC shall vote on each pending request listed on the agenda. By motion, the BOC may approve a pending request or invitation for the current meeting or for a later meeting, defer or table consideration of the request or invitation or deny it. Unless otherwise specified by the motion, all requests and invitations approved for the current meeting will be added as the last items on the agenda, and requests and invitations approved for the later meetings will be added to the public hearing section of the tentative agenda for such meeting.

7. No Assurance. All proposed speakers and spokespersons (and any persons issuing invitations) should understand that (i) addressing the BOC pursuant to Rule 5 is completely within the discretion of the BOC, and (ii) the listing of an address or pending request on the tentative agenda provides no assurance that he or she will be able to address the BOC at the meeting. By way of example, if the BOC discerns that a speaker or spokesperson has been invited or has made a request for the purpose of influencing a decision of the BOC on an important or controversial issue, the BOC may decide to defer a proposed address to a later meeting, so as to provide an opportunity for speakers or spokespersons with opposing viewpoints to address the BOC at the same time. By way of further example, in the case of speakers or spokesperson who are lawyers or legal experts and who propose to address legal issues, the BOC will normally defer the address to a later meeting if the Town Attorney is not present at the current meeting.

8. Speakers or Spokespersons Invited by the Mayor. In the case of speakers or spokespersons invited by the Mayor (individually or with others), the Mayor will be deemed to have "joined the debate" and the Mayor Pro Tempore shall preside at the meeting during such address and any questions or comments by the BOC or others related to the address.

9. Decorum. All speakers and spokespersons addressing the BOC pursuant to Rule 5 shall do so in a courteous, respectful and appropriate manner. By way of example, and without limitation, speakers and spokespersons shall address the BOC as a whole and shall not address remarks or questions to the Mayor or any individual BOC member, shall not, without the consent by majority vote of the BOC answer questions or otherwise engage with the audience during the meeting, make personally insulting or disparaging remarks or use the address as an opportunity to campaign for office, solicit business or solicit donations.

10. Time Limit. The Town Clerk shall serve as timekeeper for all addresses to the BOC, and shall announce "time" when the time period allotted on the agenda has expired. Without the consent by majority vote of the BOC, a speaker or spokesperson shall not continue beyond the allotted time period. If the allotted time period is more than ten minutes, the Town Clerk will issue a "one minute warning." At the conclusion of the address or any extension thereof, the BOC may, by majority consent allot an additional period of time for questions to the speaker or spokes person from the BOC and/or, as specified by the BOC, from town officials or from the audience.

11. Enforcement. The presiding officer of the meeting shall diligently and strictly enforce these rules with respect to all addresses by speakers and spokespersons pursuant to Rule 5. Any member of the BOC may (i) make a motion directing the presiding officer to require compliance with these rules and admonish the speaker, spokesperson or members of the audience, and, if non-compliance continues, (ii) make a motion to terminate the address, which shall be voted upon immediately and without debate.

FOOTNOTE:

****Rule 5. Public Address to the Board***

Any individual or group who wishes to address the board shall make a request to be on the agenda to the secretary designated by the board or, if no secretary is so designated, the town clerk. However, the board shall determine at the meeting whether it will hear the individual or group.