

SUBJECT – BOARDS AND COMMISSIONS Membership and Removal	Number 110.1	Revised 2-18-02 9-22-08 3-23-09 8-27-12 8-26-13 6-10-19 8-05-20 X-	Effective Date 8-4-86	Page 1 of 2
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I. MEMBERSHIP

- A. It shall be the policy of the City Council to allow an individual to serve on no more than two boards or commissions at a time; providing that one of the two Boards and Commissions meet on an “as needed” basis.
- B. Pursuant to City Code § 2-35(c), an appointee shall attend at least 75 percent of regularly scheduled meetings, special meetings, and other activities of the board or commission, such as special events and subcommittee meetings where applicable on an annual basis from the date of their appointment.
- C. Employees of the City of Fayetteville may only serve on a board or commission when specified by the City Council.
- D. An appointee shall comply with the City of Fayetteville’s Code of Ethics.

II. REMOVAL

- A. An appointee may be removed for any of the following:
 - 1. If an appointee does not comply with the attendance requirements.
 - 2. Fails to comply with the City of Fayetteville’s Code of Ethics.
 - 3. For cause. Cause as determined by the City Council may include, but is not limited to:
 - a. Deliberate or repeated discourteous treatment of the public or City employees.
 - b. Violation of the board or commission’s bylaws, policies, or procedures.

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- c. Any conduct prejudicial to the effective and efficient operation of the City or any of its departments.
- d. Misrepresentation in securing appointment or any change in status making appointee ineligible to serve.
- e. Engaging in conduct that could result in justified unfavorable criticism to the appointee or the City of Fayetteville.
- f. Violation of state or federal law.

III. PROCEDURE FOR REMOVAL

A. If an appointee does not comply with such attendance, or fails to attend three (3) consecutive regularly scheduled meetings, then the appointee shall be automatically removed and not be appointed to any City board or commission within two years of their removal date. Cancelled meetings shall count as an attended meeting. The City Clerk shall notify the appointee and report to the City Council by letters if an appointee has been removed pursuant to this provision.

~~B. If an appointee does not comply with the provisions of II.A.2 or II.A.3, a complaint may be filed with the City Clerk requesting removal of the appointee.~~

- ~~1. The Appointment Committee shall hold a special meeting to consider the complaint and make a recommendation to the City Council.~~
- ~~2. If the recommendation of the Appointment Committee is removal, the decision shall be submitted to the City Council for a final decision at its next regularly scheduled meeting.~~

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SUBJECT – BOARDS AND COMMISSIONS Terms	Number 110.2	Revised 8-16-99 3-23-09 X-X-23	Effective Date 5-26-87	Page 1 of 1
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(1) It shall be the policy of the City Council of the City of Fayetteville that unless regulated by a general statute, ordinance, interlocal agreement, or other enabling legislation or charter, no appointment of the City Council to any board or commission shall be for a period greater than two consecutive years terms, ~~and no appointees shall be permitted to serve more than two consecutive full terms without an interval of one year between appointments.~~ Any current appointment as of the effective date of this policy, which upon completion will have been for a period of more than two years terms, shall be considered a full term for purposes of reappointment. Any appointee who shall have previously served a total of four years, whether by one or more appointments, shall not be eligible for reappointment to that same Board without an intervening period of one year between appointments; appointment to a different Board is permissible. Any appointment to fill an unexpired portion of a term after the effective date of this policy shall not be considered a full term unless the unexpired portion is for a period of more than two years.

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(2) The foregoing policy shall not apply to an appointee while serving on a national board of directors of a group which the board or commission on which the appointee currently serves is a member, or members of the Public Works Commission who shall be eligible to serve up to three four-year terms. Any appointment to fill an unexpired portion of a term on the Public Works Commission after the effective date of this policy shall not be considered a full term unless the unexpired portion is for a period of more than two years.

(3) This policy shall not apply to an individual who is appointed as an alternate to a board or commission, if that appointee does not get to participate in at least 50 percent of the meetings during the term of appointment.

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SUBJECT – BOARDS AND COMMISSIONS Nominees Addressing City Council	Number 110.4	Revised	Effective Date 5-20-96 02-27-23	Page 1 of 1
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~~Any person nominated by a member of the City Council seeking appointment to serve on a board or commission shall not be allowed to address the City Council at a Council meeting concerning their~~Any person under consideration for an appointment to a board or commission, may not address the City Council, concerning their appointment during the public comment period of the meeting. election appointment.

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SUBJECT – BOARDS AND COMMISSIONS Appointments of City Manager or City Attorney to Board of Directors of Organizations	Number 110.5	Revised	Effective Date 1-31-00 Rescinded 022023	Page 1 of 1
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~~The City Council shall approve any appointments of the City Manager or the City Attorney to the board of directors of any organization, or membership in any organization, where the appointment or membership is based upon the position of City Manager or City Attorney.~~

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SUBJECT – CITY COUNCIL Committee Assignment	Number 115.1	Revised 1-23-06 X-X-23	Effective Date 11-5-90	Page 1 of 1
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It shall be the policy of the City Council that any City Council committee appointed by the Mayor shall be comprised of the Mayor and City Council members. ~~Upon the advice of the committee chairman and after a review of applicant qualifications, the Mayor shall have the authority to appoint citizens to serve as nonvoting ex officio members.~~

SUBJECT – CITY COUNCIL Citizens Inquiries or Concerns	Number 115.2	Revised 1-31-00 X-X-23	Effective Date 1-5-87	Page 1 of 1
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In order to avoid conflicts between employees and their supervisors, when a City Council member has a question, concern, or request from a citizen that requires a staff response, the City Council member should contact the City Manager's Office, the City Attorney's Office, ~~or the department head involved.~~
An Assistant City Manager or the Chief of Staff.

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Except for the purpose of inquiries, which do not interfere with staff's responsibilities, the Council and its members shall deal with the administration solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

SUBJECT – CITY COUNCIL Travel - Out of Town	Number 115.6	Revised 11-25-02 5-12-08 X-X-23	Effective Date 9-19-88	Page 1 of 3
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It shall be the policy of the City of Fayetteville to provide funds for the Mayor and City Council members to attend meetings, conferences, or undertake other activities in order to better equip them to carry out their duties and responsibilities. Council members shall contact the staff person responsible for travel arrangements immediately if there are any changes in travel plans which could result in the City paying for unused registration, air fare, or accommodations. Council members must reimburse the City for any unused registration, airfare, or accommodations, unless the cause is sickness, an emergency or other reason, as approved by the Mayor.

Travel expenses for City Council members, as set forth herein, shall be budgeted each year by City Council. Council members may carry forward funds from previous budget years; however, the carry forward amount available shall not exceed the current fiscal year's original budget amount for individual Council member travel without prior approval by the City Council. The prior approval stipulation does not include the Mayor or the Mayor's designee.

Upon taking office, newly elected Council members' travel budgets will be established at the original budget amount for each Council member in that fiscal year.

Generally, the types of expenses that may be incurred at City expense while attending these various activities are as follows:

- (1) *Transportation* - Reimbursement for travel for out-of-town events. The City will fund the most economical and reasonable method of travel. This could include air fare, train fare, payment for use of personal auto at established per mile rate set by the City, cost of transportation to and from transportation center, to lodging or conference, and transportation to and from meals.
- (2) *Registration* - All cost associated with registration expense, seminar fees, books, meeting supplies, etc., will be reimbursed.
- (3) *Lodging* - The cost of accommodations for overnight trips will be reimbursed.

SUBJECT – CITY COUNCIL Travel - Out of Town	Number 115.6	Revised 11-25-02 5-12-08 X-X-23	Effective Date 9-19-88	Page 2 of 3
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- (4) *Meals* – Reimbursement for meals may be based on receipts or approved per diem rates for a destination city. Only one method or reimbursement may be used for the entire duration of a trip. It should be noted that under both methods of reimbursement, hotel receipts are required.

When calculating the per diem amount for a trip, the following federal travel regulations should be followed:

- 75% of per diem rate for day of departure
- 75% of per diem rate for day of return
- 100% of per diem rate for days in between

Also, when meals are furnished at no additional cost to the City or are included in the registration fee, the applicable per diem rate will be reduced based on federal travel regulations. Deduction for continental breakfast is not required.

- (5) *Tips or gratuities* – Customary and usual tips and gratuities are acceptable and will be reimbursed.

Generally, the types of expenses that may not be charged to the City or must be reimbursed to the City are as follows:

- (1) Any expense incurred for spouses, family members, or guests unless such guests are guests of the City such as state or federal officials or others having an official or business relationship with the City.
- (2) Expenses incurred of a personal nature such as personal sightseeing not associated with a conference, personal telephone calls, entertainment (unless included in conference), and purchases of personal items.
- (3) Expenses incurred for meals consumed in lieu of meals provided by the conference or for alcoholic beverages.

SUBJECT – CITY COUNCIL Travel - Out of Town	Number 115.6	Revised 11-25-02 5-12-08 X-X-23	Effective Date 9-19-88	Page 3 of 3
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When the Mayor or a City Council member incurs expenses pursuant to this policy, he or she shall provide a statement to the City within a reasonable time indicating the types and amounts of expenses incurred and requesting reimbursement therefore. If funds are provided in advance of the event, the official may be entitled to additional funds if expenses exceed the amount advanced. Conversely, any advanced funds not used with the exception of the per diem are to be returned. Reimbursement for such expenses shall be at the same rates as established for other City officers and employees.

~~Council members are expected to provide written reports to City Council summarizing information received at conferences.~~

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The Finance Department will deduct state and federal taxes and FICA from any travel allowance where required by law or Internal Revenue Service Regulation.

SUBJECT – CITY COUNCIL Rental Fees - City Hall	Number 115.7	Revised 3-1-93 Rescinded X-X-23	Effective Date 10-21-91	Page 1 of 1
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~~It shall be the policy of the City Council that all outside agencies be charged the following rental fees for the use of the multipurpose rooms in City Hall:~~

- ~~1. \$20.00 per hour and an additional \$10.00 per half hour thereafter~~
- ~~2. \$50.00 for one half day or four hours~~
- ~~3. \$100.00 for a full day or eight hours~~

~~It shall further be the policy of the City Council that the City Council Chambers shall not be rented to outside agencies.~~

~~The lobby of City Hall shall not be used for proprietary purposes.~~

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SUBJECT – CITY COUNCIL Property Accounting - Communications Expense	Number 115.8	Revised Rescinded X-X-23	Effective Date 12-15-97	Page 1 of 1
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~~Council members may purchase, concurrently with the vacating of their office, tangible personal property acquired through reimbursement from the communication allowance, at the Internal Revenue Service Tax Code's depreciated remaining value for tangible property by using the modified accelerated cost recovery (MACRS) method, and consistent with the provisions of N.C.G.S. § 160A-266.~~

SUBJECT – CITY COUNCIL City Council Committees	Number 115.10	Revised 1-23-06 X-X-23	Effective Date 9-25-00	Page 1 of 1
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After each election, the Mayor shall appoint the City Council committees and the chairman of each committee. The term of the chairman of a committee shall be ~~one~~ two years, and no City Council member shall serve more than two successive terms as the chairman of a committee without an intervening period of at least two years. ~~Committee assignments shall be reviewed annually.~~

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SUBJECT – CITY COUNCIL Replacing a Vacancy on the City Council	Number 115.11	Revised XX-XX-23	Effective Date 9-25-00	Page 1 of 1
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If a vacancy shall occur on the City Council mandating a replacement pursuant to N.C.G.S. § 160A-63, the City Council shall make the selection within 30 days of the event mandating the replacement. ~~If the 30th day falls on a Saturday, Sunday, or a holiday, then the time shall be extended until the following Monday or the next regular meeting of the City Council.~~

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N.C.G.S. § 160A-63. Vacancies.

A vacancy that occurs in an elective office of a city shall be filled by appointment of the city council. If the term of the office expires immediately following the next regular city election, or if the next regular city election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled city election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term. If the number of vacancies on the council is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make up a quorum, and the council shall then proceed to fill the remaining vacancies. If the number of vacancies on the council is such that a quorum of the council cannot be obtained and the office of mayor is vacant, the Governor may fill the vacancies upon the request of any remaining member of the council, or upon the petition of any five registered voters of the city. Vacancies in appointive offices shall be filled by the same authority that makes the initial appointment. This section shall not apply to vacancies in cities that have not held a city election, levied any taxes, or engaged in any municipal functions for a period of five years or more.

In cities whose elections are conducted on a partisan basis, a person appointed to fill a vacancy in an elective office shall be a member of the same political party as the person whom he replaces if that person was elected as the nominee of a political party. (R.C., c. 111, ss. 9, 10; Code, ss. 3793, 3794; Rev., ss. 2921, 2931; C.S., ss. 2629, 2631; 1971, c. 698, s. 1; 1973, c. 426, s. 11; c. 827, s. 1; 1983, c. 827, s. 1.)

SUBJECT – CITY COUNCIL City Council Committee Agendas	Number 115.12	Revised 1-23-06 xx-xx-23	Effective Date 1-22-01	Page 1 of 1
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1. All items for committee consideration shall fall within the purview of the committee as identified in the committee mission statements adopted by the City Council.

2. Any City Council committee may consider the following items on their committee meeting agendas:

- a. Items which have been referred to the committee by the City Council.
- b. Items which have been referred to the committee by the Mayor.
- c. Items which have been referred to the committee by the chairperson.

3. In the case of the City-County Liaison Committee, agenda items shall include referrals to the Committee by the City Council and the Cumberland County Board of Commissioners.

~~4. Items for City Council committee agendas must be communicated to the City Manager's office ten days prior to the scheduled meeting. The agenda shall be finalized seven days prior to the scheduled meeting.~~

~~5. No item may be added to the published agenda except upon a two-thirds vote of the actual membership of the committee or as a result of Council action~~

SUBJECT – CITY COUNCIL Fund Balance Policy	Number 115.13	Revised xx-xx-23	Effective Date 6-27-2011	Page 1 of 3
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The Fund Balance Policy is intended to provide guidelines during the preparation and execution of the annual budget to ensure that sufficient reserves are maintained for unanticipated expenditures or revenue shortfalls. It also is intended to preserve flexibility throughout the fiscal year to make adjustments in funding for programs approved in connection with the annual budget. The Fund Balance Policy should be established based upon a long-term perspective recognizing that stated thresholds are considered minimum balances. The main objective of establishing and maintaining a Fund Balance Policy is for the City to be in a strong fiscal position that will allow for better position to withstand negative economic trends.

The Fund Balance consists of five categories: Non-spendable, Restricted, Committed, Assigned, and Unassigned.

- **Non-spendable Fund Balance** consists of funds that cannot be spent due to their form (e.g., inventories and prepaid amounts) or funds that legally or contractually must be maintained intact.
- **Restricted Fund Balance** consists of funds that are mandated for a specific purpose by external parties, constitutional provisions, or enabling legislation.
- **Committed Fund Balance** consists of funds that are set aside for a specific purpose by the City's highest level of decision making authority (City Council). Formal action must be taken prior to the end of the fiscal year. The same formal action must be taken to remove or change the limitations placed on the funds.
- **Assigned Fund Balance** consists of funds that are set aside with the intent to be used for a specific purpose by the City's highest level of decision making authority or a body or official that has been given the authority to assign funds. Assigned funds cannot cause a deficit in unassigned fund balance.
- **Unassigned Fund Balance** consists of excess funds that have not been classified in the previous four categories. All funds in this category are considered spendable resources. This category also provides the resources necessary to meet unexpected expenditures and revenue shortfalls.

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Classifying Fund Balance Amounts

When both restricted and unrestricted funds are available for expenditure, restricted funds should be spent first unless legal or grant requirements disallow it. When committed, assigned and unassigned funds are available for expenditure, committed funds should be spent first, assigned funds second, and unassigned funds last; unless the City Council has provided otherwise in its commitment or assignment actions. The Chief Financial Officer has the authority to deviate from this policy if it is in the best interest of the City.

Authority to Commit Funds

The City Council has the authority to set aside funds for a specific purpose. Any funds set aside as Committed Fund Balance requires the passage of a resolution by a simple majority vote. The passage of a resolution must take place prior to June 30th of the applicable fiscal year. If the actual amount of the commitment is not available by June 30th, the resolution must state the process or formula necessary to calculate the actual amount as soon as information is available.

Authority to Assign Funds

Amounts that are constrained by the City's intent to be used for specific purposes and capital projects, but are neither restricted nor committed, should be reported as assigned fund balance. This policy hereby delegates the authority to assign amounts to be used for specific purposes and capital projects to the City Manager or their designee for the purpose of reporting these amounts in the annual financial statements.

Unassigned Fund Balance

Unassigned Fund Balance is the residual amount of Fund Balance in the General Fund. It represents the resources available for future spending. An appropriate level of Unassigned Fund Balance should be maintained in the General Fund in order to cover unexpected expenditures and revenue shortfalls.

Unassigned Fund Balance may be accessed in the event of unexpected expenditures up to the minimum established level upon approval of a budget amendment by the City Council. In the event of projected revenue shortfalls, it is the responsibility of the City Manager to report the projections to the City Council on a quarterly basis and shall be recorded in the minutes.

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Any budget amendment that will result in the Unassigned Fund Balance dropping below the minimum level will require a simple majority vote of the City Council.

The Fund Balance Policy establishes a minimum General Fund Unassigned Fund Balance of at least 10% of the succeeding year's General Fund expenditure budget, excluding the budgets for the County Recreation Program and JP Riddle Stadium. In the event that the balance drops below the established minimum level, the City Council will develop a plan to replenish the fund balance to the established minimum level within two years.

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SUBJECT – CITY COUNCIL Mayor and City Council Protocol and Code of Conduct	Number 115.15	Revised xx-xx-23	Effective Date 4-08-13	Page 1 of 5
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City Council Requests for Information from Staff:

Protocol 1 – Simple Information (Readily available – Typically taking less than 5 minutes but occasionally up to 20 minutes)

- a. Contact the appropriate Assistant City Manager, Department Director -or designated departmental employee
- b. City Manager may choose to handle matters personally whenever he/she deems it appropriate
- c. Not necessary to share with entire City Council

Protocol 2 – Complex Information or Research (Requiring staff time of more than 20 minutes but less than one hour)

- a. Contact the City Manager or appropriate Assistant City Manager
- b. City Manager will seek City Council direction if necessary
- c. City Manager must respond with information to entire City Council

Protocol 3 – Question on Agenda Item

- a. Contact the City Manager, appropriate Assistant City Manager or the City Attorney
- b. The City Manager’s Office or City Attorney will respond with information to entire City Council
- c. “Okay” to re-ask the question at the City Council meeting
- ~~e.d.~~ Motions are to be clear and concise and should be restated by the Mayor or City Clerk to ensure the motion is correctly recorded and appropriate and clear direction is provided to staff.

Protocol 4 – City Council Request for Lobbying or Legislative Advocacy

- a. Council Member should submit request to City Manager for assignment to staff or lobbyist as appropriate. This ensures the City is able to coordinate efforts.
- b. City Manager shall generally use previous City Council positions, Strategic Plan, and NCLM Legislative Advocacy Goals to guide current legislative positions in the absence of specific direction
- c. In the event the City Manager determines that the legislative interest of the City is unclear, City Manager will refer the issue to City Council for direction

Protocol 5 – City Council Request of PWC for Information

- a. Council Member should submit information request to City Manager for assignment to staff.

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City Council Service Request From Citizens:

Protocol 6 – Citizen Service Requests

Intent:

- Help citizens to understand the City's process and City Council responsibility
- Provide a timely, accurate response
- Be accountable for City actions
- Recognize that some citizens have special needs – limited capacity to learn, use the system or access to technology

Protocol:

- If the Citizen has not contacted the City:
 - Refer the citizen to [Fay-Fix-It](#), 433-1FAY or [www.1fay.com](#) work order system or,
 - Link the citizen to appropriate person or department
 - ~~Corporate Communications Director~~ [The Chief of Staff or Designee](#) is the City Council point of contact for follow-up tracking
- If the Citizen has an unresolved or unsatisfactory response to an issue:
 - Ask citizen for name and/or department of concern
 - Contact the Corporate Communications Director for follow up
 - ~~Corporate Communications Director~~ [Chief of Staff or Designee](#) will coordinate with appropriate Department Director or Assistant City Manager
 - ~~Corporate Communications Director~~ [Chief of Staff or Designee](#) will respond to City Council Member with resolution
- For police matters, ~~contact the City Manager.~~ [Council Members should request citizens call the Police Department \(9-1-1\) directly](#)

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City Council Staff Expectations:

Protocol 7 – City Staff Response Time

- Staff will acknowledge City Council email or voicemail within 48 hours (refers to business days; excludes weekends)
- Staff will respond with information to the entire Council if protocol 2 or 3 applies
- Response not required on weekends unless it is an emergency
- Emergency** – Place call to the City Manager

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Protocol 8 – Public Meetings Held by Staff

- a. The ranking City Council Member (Mayor, Mayor Pro Tem, District Council Member, or Senior Member) should be invited to give welcoming remarks of less than 1 minute. This also applies when staff is invited to meetings held by others.
- b. All City Council Members present should be recognized by the ranking member of City Council in the welcoming remarks. If no remarks are given, staff shall recognize members of Council present.
- c. City Council Member will not campaign or make stump speeches.
- d. ~~Complaints about City Council members breaching protocol will be directed to the City Manager's Office for referral to the Mayor and City Council as a body.~~

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City Council Interactions:

Protocol 9 – Communication among Mayor and City Council

- a. To be determined by City Council
- b. Adhere to Code of Conduct

Protocol 10 - Council Work Session Policy

- a. Council does not take formal votes.
 1. Formal Votes at Work Sessions are only permissible in the event a final policy decision is required prior to the next regular City Council meeting.
 2. In the event Council desires to take a formal binding vote during a Work Session:
 - i. A procedural motion must be made and approved to add the agenda item. (Requires $\frac{3}{4}$ of Body or 8)
 - ii. A substantive motion and vote can then be taken on the item. (Requires simple majority)
- b. Normal options include:
 1. No Action – Council simply accepts information and provides comment as appropriate
 2. Forward for Action – Majority of Council votes to forward item to Regular Council meeting for action.
 3. Additional Information – Council directs staff to obtain additional information or develop revised proposal(s). Item will be brought back by staff to a future Work Session.
 4. No Direction – Staff work completed. No majority of Council to move item forward.

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- c. Once discussion of item has ended, the item can come back to future Work Session via Council Request Process. (see below)

Protocol 11 – Council Member Request to Add Agenda Items (Replaces current code)

- a. All Council agenda requests will be presented at a monthly Work Session.
- b. The request will be submitted prior to close of business Monday one week prior to the Work Session meeting.
- c. The Councilmember making the request will be given 5 minutes at the end of the Work Session to make a presentation in support of their request.
- d. It requires a majority vote to direct staff to incorporate the requested item into staff's work plan and bring it back to a future Work Session or regular Council meeting.

Protocol 12 – Council Modification of Existing Agenda

- a. In the event Council desires, or the City Manager requests to add an item to a published regular meeting agenda:
 - 1. A procedural motion must be made and approved to add the agenda item. (Requires $\frac{3}{4}$ of Body or 8)
 - 2. A substantive motion and vote can then be taken on the item. (Requires simple majority)
 - 3.

Protocol 13 – Review of Agenda Items

Consistent with Section 2-3(b) of the City Code, the agenda for any meeting of the City Council shall be prepared by the City Manager. The City Manager shall make agenda items available for review by the Mayor and Mayor Pro Tem prior to the items being placed on the agenda.

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Code of Conduct

1. Adhere to the City’s Core values. Serve the citizens and lead the organization with R.E.S.P.E.C.T.
2. Focus on what is “best for the City”
3. Communicate in an open, transparent, direct and truthful manner
4. Share information openly
5. Do not speak for another City Council Member
6. Treat each other with trust and respect; avoid personal criticism
7. Make direct contact with individuals for conflict resolution
8. Keep confidences
9. Focus on the future, not the past
10. Decide as a Council and support the City Council decision

SUBJECT – CITY COUNCIL Key to the City	Number 115.18	Revised <u>XX-XX-23</u>	Effective Date 09/28/15	Page 1 of 1
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I. PURPOSE

The purpose of this policy is to provide guidance to Council on presenting the “Key to the City” as recognition and a gesture of goodwill to recognize deserving individuals, organizations, or entities as “Ambassadors-at-Large”.

II. GUIDELINES

1. The Mayor shall be allowed to present the “Key to the City” as he/she deems appropriate. ~~However, Council will be notified before the fact when practical, or as soon after the presentation as possible.~~ when a Key to the City is to be initiated and presented.
2. Council members shall be allowed to nominate persons to receive a “Key to the City”. Nominations need not be made in writing and may be presented during Council dinner meetings, work sessions, and as allowed by N.C.G.S. § 143-318.11. Nominations by Council members must be approved by majority vote of the Council.
3. The presentation of the “Key to the City” will be presented during a Council meeting whenever practical.

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SUBJECT – CITY COUNCIL Hearings (Public and Non-Public)	Number 120.2	Revised 12-15-97 05-11-09 XX-XX-23	Effective Date 1-5-87	Page 1 of 2
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The City Council of the City of Fayetteville, North Carolina, will apply the following Rules of Procedure at regular City Council meetings for citizens wishing to address the City Council, unless otherwise authorized by the General Statute.

A. Public Hearings

- (1) Individuals desiring to speak at a public hearing shall sign up with the City Clerk, by name and home address, before 5:00 p.m. on the date of the scheduled public hearing;
- (2) Fifteen minutes will be allowed for each side of the issue at a public hearing. The City Council in its discretion may extend the time. Individual speakers will be limited to 3 minutes each unless by previous arrangement a single spokesman is designated, in which case the spokesman may use the entire 15 minutes. Time used in response to a question from a Council member will not be counted against the allotted 15 minutes; and
- (3) No one in the audience will be permitted to speak during Council discussion and debate except in response to a question from a Council member recognized by the Chair.

B. Nonpublic Hearing Items

On nonpublic hearing items, the agenda shall indicate by whom the matter will be presented, and only members of staff, the presenter, or the presenter's designated representative shall be permitted to address the City Council. This paragraph is not subject to suspension under Roberts Rules of Order. Individuals who have not made a written request to speak on a nonpublic hearing item may submit written materials to the City Council on the subject matter by providing 20 copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

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SUBJECT – CITY COUNCIL Hearings (Public and Non-Public)	Number 120.2	Revised 12-15-97 05-11-09 XX-XX-23	Effective Date 1-5-87	Page 2 of 2
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C. Announcements

All announcements not addressed by any particular agenda item shall be made at the end of the meeting, prior to adjournment, by the Mayor or the presiding officer, unless otherwise prearranged with the Mayor or presiding officer.

SUBJECT – CITY COUNCIL Public Hearings - Transit Department	Number 120.3	Revised Rescind XX_XX_2 3	Effective Date 5-6-91	Page 1 of 1
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~~It shall be the policy of the City Council to request the Transit Department to give, by advertising, a ten-day notice of all public hearings to be held on transit matters, unless otherwise prescribed by law.~~

SUBJECT – CITY COUNCIL Smoking During Council Meetings	Number 120.4	Revised Rescind xx-xx-23	Effective Date 12-18-89	Page 1 of 1
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~~Smoking will be banned from any meeting of the Fayetteville City Council or Council committees at any time or location.~~

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SUBJECT – CITY COUNCIL Public Forum	Number 120.9	Revised 3-13-06 5-12-08 1-27-14 xx-xx-23	Effective Date 1-9-06	Page 1 of 2
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In compliance with N.C.G.S. § 160A-81.1, the City Council establishes the following policy for a public comment period which shall be known as the Public Forum.

1. The Public Forum shall be held on the second Monday of every month during a regularly scheduled meeting of the Council and shall be the first item of business after Approval of the Agenda. The Public Forum shall last no longer than 15 minutes. The Mayor shall have the discretion to extend the Public Forum up to 30 minutes.
2. Each speaker shall have up to 3 minutes to address Council on issues related to the City of Fayetteville. No time will be yielded to any speaker by another speaker.
3. Speakers will address Council in the order in which their name appears on the sign-up sheet. Speakers shall address Council from the podium and shall not otherwise physically approach Council. Any written comments and/or supporting documents shall be left with the City Clerk.
4. Speakers will be courteous in their language and presentation and shall refrain from personal attacks. The Mayor or other designated presiding officer reserves the right at all times to maintain order and decorum during the Public Forum.
5. Speakers shall not discuss the following matters during the public forum: personnel, litigation, property acquisition, attorney-client privilege, confidential and matters that are the subject of public hearings. Speakers desiring to speak on any of the aforementioned will be directed on the proper procedure for discussing those matters. Speakers will not discuss matters regarding the candidacy of any person seeking public office, including the candidacy of the person addressing the Board.
6. No dialogue shall occur between the speaker and Council. At the conclusion of the Public Forum, the City Manager or City Attorney may provide rebuttal to any statements made during the Public Forum.

SUBJECT – CITY COUNCIL Public Forum	Number 120.9	Revised 3-13-06 5-12-08 1-27-14 xx-xx-23	Effective Date 1-9-06	Page 2 of 2
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7. Anyone desiring to speak may sign up in advance [no later than 5:00 p.m. on the day of the meeting by](#) in person with the City Clerk in the City Manager’s Office Suite, City Hall, 433 Hay Street, Fayetteville, NC; ~~by fax at (910) 433-1948;~~ by email at cityclerk@ci.fay.nc.us PamelaMegill@fayettevillenc.gov; or [call \(910\) 433-1992 immediately before the meeting by giving and provide](#) their name and address.

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SUBJECT – CITY COUNCIL Closed Session Attendance	Number 120.10	Revised <u>xx-xx-23</u>	Effective Date 10-12- 2020	Page 1 of 1
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It shall be the policy of the City Council that when a Closed/Executive Session is called, the participants; Mayor, Council Members, Staff and invited guests are to attend the meeting in person. [Council Members are not permitted to attend Closed Sessions electronically.](#)

Only when an unforeseen and/or extenuating circumstance occurs, may the Mayor permit an invited attendee to electronically attend the Closed/Executive session.

SUBJECT – CITY COUNCIL MEETING PROCEDURES In-Person/Remote Attendance at Regular, Special and Work Session Meetings	Number 120.11	Revised xx-xx-23	Effective Date 05-09-22	Page 1 of 3
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It shall be the policy of the City Council that when a Regular, Special or Work Session is scheduled, the participants; Mayor, Council Members, Staff and invited guests are to attend the meeting in person.

Overview- The purpose of this policy is to establish guidelines which will allow City Council members who are unable to physically attend a Council meeting to participate remotely via electronic, simultaneous methods. This policy is not intended to allow or encourage physical absence from a Council meeting simply as a means of convenience. Remote participation should only be utilized in the case of a bona fide emergency or other such circumstance as described below. For the purpose of this policy, a Council member is defined as a City Councilman/woman or the Mayor and hereafter referred to as member. For the purpose of this policy, the presiding officer is defined as the Mayor or the person serving as presiding office in the Mayor's absence.

Remote Participation

1. Remote participation is defined as participation in an official ~~City-City Town~~ Council meeting by a member or members who are not physically present at the meeting via means of electronic and simultaneous methods such as audio and/or video.
2. Remote participation shall not be allowed during the following:
 - a. Quasi-judicial proceedings
 - b. Closed sessions
3. Remote participation is allowed only for the following reasons:
 - a. Personal illness
 - b. Employment related issues
 - c. Family or other personal emergency
 - d. Participation in other ~~Town~~ City related meetings
 - e. Vacation
 - f. Other reasons as approved by the Council
 - g. During declared States of Emergency
4. When possible, any member who desires to participate remotely shall notify the Mayor, City Manager or Clerk at least 24 hours in advance of the meeting to allow for set-up of any necessary equipment to accommodate remote participation. The member shall also provide the telephone number at which they can be contacted to participate remotely.

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SUBJECT – CITY COUNCIL MEETING PROCEDURES In-Person/Remote Attendance at Regular, Special and Work Session Meetings	Number 120.11	Revised xx-xx-23	Effective Date 05-09-22	Page 2 of 3
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5. During the call to order, the presiding officer shall announce that a member has requested to participate remotely and then they shall call the number provided by the member. In an effort to minimize disruption of the meeting, if after two attempts, clear contact cannot be established with an absent member, the option of remote participation for that member during any part of that meeting will not be allowed. Once contact has been established, the remotely participating member shall identify himself and state the reason for participating remotely. If due to technical difficulties, contact with the remotely participating member is lost entirely or if contact becomes unclear, the presiding officer may end remote participation for that member for the balance of the meeting. If remote participation is established but is then interrupted or ends, the member will be considered as excused from the meeting and therefore no votes from that member will be recorded.

6. The presiding officer must be physically present at the meeting except in the case of States of Emergency that include a “shelter in place” requirement.

7. A member has the same voting privileges when participating remotely as they have when they are physically present at the meeting.

8. A member participating remotely must at a minimum be fully heard (and if possible also seen) by all members of the Council and other individuals in attendance at the meeting. A member participating remotely must also be able to hear all other members of the Council and other individuals in attendance at the meeting. If this cannot be accomplished, the presiding officer shall not allow the member to participate remotely.

9. When casting a vote, a member participating remotely shall be called on individually by the presiding officer, after all physically present members have voted, to verbally cast their vote as “aye” or “nay” in such a manner as can be clearly heard by all members.

10. No written ballots may be taken by the Council when a member is participating remotely.

11. Members participating remotely shall have the right to receive all documents that were distributed to the Council prior to the start of the meeting. However, it is the responsibility of the remotely participating member to provide a means whereby the documents can be delivered to them in a timely manner, for example electronic mail or mailing address. All such expense shall be paid for by the Town.

SUBJECT – CITY COUNCIL MEETING PROCEDURES In-Person/Remote Attendance at Regular, Special and Work Session Meetings	Number 120.11	Revised xx-xx-23	Effective Date 05-09-22	Page 3 of 3
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12. In the rare case that all members of a meeting are participating remotely because of the requirements of a declared State of Emergency, the media and other interested members should have access to listen and/ or view the proceedings of the meeting.

SUBJECT - DRAINAGE Streams and Ditches	Number 125.2	Revised <u>Rescinded</u> <u>XX-XX-23</u>	Effective Date 3-28-66	Page 1 of 2
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1. SMALLER STREAMS AND WATERCOURSES

In the case of smaller streams and watercourses and ditches and the like, where street water or water from City property drains, the City will participate in correction of these drainage conditions subject to the following conditions:

- a. No City participation will be permitted if the drainage situation exists in a proposed new or existing subdivision. Drainage as to such subdivision cases shall be handled in accordance with the subdivision regulations of the City Code.
- b. The owners of the land affected shall give, without cost, to the City an easement, of such extent as required by the City Engineer, for location of the drainage installation improvements.
- c. Such improvements must be of a design approved by the City Engineer.

Subject to the foregoing conditions, the City will participate to the extent of 50 percent of the total cost of labor and materials to construct such drainage improvement.

This portion of this policy shall apply also to driveway pipe in soil streets required, in the opinion of the City Engineer, along existing roadway side ditches.

2. BRIDGES OR CULVERTS, IN STREETS, AT NATURAL STREAMS OR WATERCOURSES

When a developer presents a plat of a subdivision for approval by the City, and the City Engineer, after a study of said subdivision and the surrounding land, determines that: (1) Any proposed street in said subdivision is or should be reasonably located as to require it to cross a natural stream or watercourse; (2) that said street would be reasonably needed to serve land outside said subdivision; and (3) that construction would reasonably require a bridge or culvert(s) and/or fills and other

SUBJECT - DRAINAGE Streams and Ditches	Number 125.2	Revised <u>Rescinded</u> <u>XX-XX-23</u>	Effective Date 3-28-66	Page 2 of 2
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drainage installations at said crossing, then the City shall participate in the construction of such bridge, culvert(s), and/or fills and other drainage installations as follows:

- a. As to arterial and primary major streets as defined in Chapter 25 of the City Code (being the same as those streets designated “Arterial” in the Street and Sidewalk Policies and map of same in City Engineer’s Office), the City will pay 100 percent of the cost of such construction.
- b. As to secondary major streets, as defined in Chapter 25 of the City Code (being the same as those streets designated “Collector” in the Street and Sidewalk Policies and map of same in City Engineer’s Office), the City will pay 75 percent for the cost of such construction, if the developer will pay the remaining 25 percent.

3. HOW CONSTRUCTION IS TO BE ACCOMPLISHED

The decision shall rest with the City, alone, as to whether any of the construction contemplated above shall be accomplished by the City’s own forces, or by private contract under City supervision. For information, it should be realized that State law permits the City to use its own forces to do construction of this nature if the estimated total cost of labor and materials does not exceed \$15,000.00, but does not permit it if such estimate exceeds \$15,000.00. Similarly, if a private contractor is used for such construction, if the total estimated cost of construction, labor, and materials is \$500.00 or more, but less than \$3,500.00, informal bids must be taken from interested contractors, and the contract awarded to the lowest responsible bidder; if the estimated cost of construction, labor, and materials is \$3,500.00 or more, formal, advertised bids must be taken from interest private contractors, and the contract awarded to the lowest responsible bidder.

SUBJECT – PARKS AND RECREATION Nonresident Fees	Number 140.1	Revised	Effective Date 12-18-89 XX-XX- 23	Page 1 of 1
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All fees charged by the department for programs and facilities, with the exception of cemetery fees, for nonresidents will be double the resident fee rate.

For registration purposes, those Individuals or Families that contribute to the tax base which supports Fayetteville-Cumberland Parks and Recreation programming are considered “Residents.”