



# *Wake County Fire Commission Rules of Procedure*

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## **I. Name**

The name of this board appointed to serve the Wake County Board of Commissioners shall be referred to as the Wake County Fire Commission (hereinafter referred to as the Fire Commission).

## **II. Mission**

The mission of the Fire Commission shall be to make formal recommendations to the Wake County Board of Commissioners on fire protection and emergency services delivery applicable to those departments covered under the venue of the Fire Commission.

The roles of the Fire Commission members as approved by the Wake County Board of Commissioners are:

- A. Reviewing and making recommendations on operating budget requests.
- B. Reviewing and making recommendations on CIP budget requests.
- C. Reviewing and supporting firefighter and volunteer incentive retention and recruitment programs.
- D. Making recommendations to the Wake County Board of Commissioners for continuing improvement of the fire protection system.
- E. Reviewing ISO and consultants reports and recommending action for improvement as deemed necessary.
- F. Developing and providing overview of all service district operational regulations and guidelines for the Wake County fire protection service district.

## **III. Membership and Composition**

As approved by the Wake County Board of Commissioners, the structure of the Fire Commission is:

- A. Wake County Board of Commissioner member (1) (non-voting)
- B. Representatives of fire service planning and service regions (4)
- C. Past President of Wake County Fire Chiefs' Association (1)
- D. Citizen Appointees (5)
- E. Representatives of municipalities participating in Fire Protection Service District (1 seat per each participating municipality)
- F. Subject Matter Experts (2)
- G. Town Manager or Assistant Town Manager from Cost Share Municipalities (1)
- H. Fire Department Not for Profit Board President or Board Officer (1)
- I. County Staff (non-voting)

**Appointment and Term** - The Wake County Board of Commissioners shall make all primary and alternate appointments to the Fire Commission. All appointments shall comply with established rules and procedures of the Board of Commissioners. Any person appointed by the Wake County Board of Commissioners to fill an unexpired term shall be appointed to serve the duration of the term. The Wake Board of Commissioners, Clerk to the Board of Commissioners and Fire Services Director will evaluate the total Fire Commission membership composition to ensure makeup of the Fire Commission is evenly balanced for representation of unincorporated and municipal boundaries. A fire department, municipality or fire district may not be represented by more than 2 members on the Fire Commission at one time. This includes any affiliation, representation or thereof of the associated cost share municipal agency, Board of Director or Town Council.

- A. **Wake County Board of Commissioners Appointee (1)** - The Wake County Board of Commissioners shall appoint a member to serve as the Board of Commissioner appointee to the Fire Commission as a nonvoting member. The Board of Commissioners, at their discretion, may appoint an alternate Commissioner, to represent the Commissioners in the event of the absence of the appointed Commissioner.
- B. **Fire Service Planning and Service Region (4)** - Each fire service planning and service region shall elect two representatives, serving at the rank of Fire Chief, from each region to be represented on the Fire Commission. One representative shall be identified as the primary representative to the Fire Commission. The second representative shall be identified as the alternate representative. The representative shall serve for a period of two years. The selection of the region representative shall be based upon vote of the members of that region, with that person's name submitted to the Wake County Board of Commissioners for approval. Should an appointed region representative's status within his region or fire department change, the fire service region may make a recommendation to the Board of Commissioners that the appointee be removed from the Fire Commission and request that another representative of that region be appointed to the Fire Commission.
- C. **Past President of Wake County Fire Chief's Association (1)** - The Wake County Fire Chief's Association shall nominate an individual to fill this position. The appointed term of the Past President of the Wake County Fire Chief's Association shall comply with the Wake County Board of Commissioners rules and procedures. There is not an alternate member for this position.
- D. **Citizen Appointees (5)** - The Wake County Board of Commissioners shall appoint five citizens to serve on the Fire Commission. Each appointment shall be for a two-year term. Citizens shall be appointed as primary voting members and shall reside in the unincorporated area of Wake County that is within the single fire tax district or within the city limits of a cost share municipality. Primary citizen appointees may be affiliated with a fire department Board of Directors or an elected member of a Town Council.
- E. **Town Manager (1) Primary & (1) Alternate** - The Wake County Board of Commissioners shall appoint one primary and one alternate for this position. These members must be a Town Manager or Assistant Town Manager of a Municipal partner

within the Fire Tax District. The primary appointed will serve a one-year term. The alternate appointment will move to the primary position and serve a one-year term. No member shall serve consecutive terms in the primary role.

**F. Board President of a Not for Profit Fire Department – (1) Primary & (1) Alternate**

The Wake County Board of Commissioners shall appoint one primary and one alternate for this position. These members must be a not for profit Board President or Board Officer of a participating Fire Department within the Fire Tax District. The primary appointed will serve a one-year term. The alternate appointment will move to the primary position and serve a one-year term. No member shall serve consecutive terms in the primary role.

**G. Subject Matter Expert (2)** The Wake County Board of Commissioners shall appoint 2 Subject Matter Experts to serve in primary voting positions. These positions will serve two-year terms, may serve consecutive terms and must reside in Wake County. The Subject Matter Expert must have a knowledge, skills, abilities, background and expertise in the public safety arena or offers a skill set and background in governmental affairs.

**H. Municipal Representatives (1 seat per each participating municipality)** - Municipalities that elect to join the Fire Protection Service Tax District shall receive one seat on the Fire Commission and serves two-year terms.

**I. Director - Wake County Department of Fire Services and Emergency Management (non-voting)** – The Director and his staff shall provide administrative support to the Fire Commission. The Director and/or his designee may be called on to provide requested information and/or advice to the Commission. He may participate in any discussions, however is not permitted to vote.

**J. Recommendation for Removal from Fire Commission** – Other than those actions outlined in Section V (K) of this document, the Fire Commission may recommend to the Wake County Board of Commissioners the removal of any appointed member for actions that might damage or compromise the integrity of the Fire Commission or any committee thereof. This will require a majority vote of the Fire Commission, excluding the member under consideration. It is the responsibility of the Wake County Board of Commissioners to determine if grounds are sufficient to warrant removal of the appointee from the Fire Commission.

- a. **Removal of Committee Chair or Member** – The Fire Commission has the power to remove a committee chair or member deemed to have acted in a manner that damage or compromise the integrity or used his/her position in a manner inconsistent with the intent of the Fire Commission. A two thirds majority of the Fire Commission is required for the removal.

#### **IV. Fire Commission Officers**

**A. Fire Commission Chair** - The Fire Commission will elect a Chair annually from among the voting membership. The Chair shall preside at Fire Commission meetings if he or she

is present. The chair may vote in all cases. In order to address the Fire Commission, a member must be recognized by the chair.

If the chair is absent, the vice-chair shall preside. If both the chair and vice-chair are absent, another member designated by vote of the Fire Commission shall preside. The vice-chair or another member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions and the right to vote.

If the chair becomes actively involved in debate on a particular matter, he or she may designate another Fire Commission member to preside over the debate. The chair shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers, to include but not be limited to:

- To rule motions in or out of order, including any motion deliberately offered to obstruct or delay the conducting of Fire Commission business;
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
- To entertain and answer questions of parliamentary law or procedure;
- To call a brief recess at any time;
- To adjourn in an emergency.

A decision by the presiding officer under any of the powers listed may be appealed to the Fire Commission upon motion of any Commission member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

- B. **Fire Commission Vice-Chair** - The Fire Commission will elect a Vice-Chair annually from among the voting membership. The position of Vice-Chair shall be a voting position. The role of the Vice-Chair shall be to serve as the presiding officer of the Fire Commission in the absence of the Chair. While serving as the presiding officer, the Vice-Chair shall have the same powers as the Chair.

## V. **Meetings**

The Fire Commission shall meet as needed to accomplish its mission as designated by the Chair.

### A. **Regular Meetings**

The Fire Commission shall hold a regular meeting on the third Thursday of every other month beginning in January of each year, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at the Wake County Emergency Medical Services Training Center unless otherwise scheduled elsewhere and shall begin at 7:00 PM.

**B. Special Emergency and Rescheduled Meetings**

- (a) Special Meetings.** The chair or a majority of the members may at any time call a special meeting of the Fire Commission. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be given to each Fire Commission member and to the Clerk to the Board of County Commissioners.

A special meeting may also be called or scheduled by vote of the Fire Commission 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 hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be given to each Fire Commission member and to the Clerk to the Board of County Commissioners.

Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless (1) all members are present and (2) the Fire Commission determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

- (b) Emergency Meetings.** The chair or a majority of the members may at any time call an emergency meeting of the Fire Commission by signing a written notice stating the time and place of the meeting and the subjects to be considered. Written or oral notice of the meeting shall be given to each Fire Commission member and to the Clerk to the Fire Commission of County Commissioners. Emergency meetings may be called only because of generally unexpected circumstances that require immediate consideration by the Fire Commission. Only business connected with the emergency may be considered at an emergency meeting.

- (c) Recessed Meetings.** A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a procedural motion made and adopted in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed session of a properly called regular, special, or emergency meeting.

**C. Organizational Meeting**

On the date and at the time of the regular meeting in January, the Fire Commission shall nominate and elect from its own membership a Chair and Vice-Chair. Beginning with the regular Fire Commission meeting in January the Chairperson will open the nominations and accept nominations from the Fire Commission members. The Chairperson shall close the nominations and if necessary, immediately conduct an election. A simple majority of those voting, providing a quorum is present, shall be sufficient in determining the outcome.

**D. Cancellation and Rescheduling of Meetings**

The Chair may cancel or reschedule a scheduled regular meeting upon determining that there will be no business for the Fire Commission to consider at that meeting, or sufficient

notification has been given that indicates that there will be not be a quorum at the meeting.

E. **Meeting Notice - Regular Meeting**

A regular schedule specifying the time, date, and place of the Fire Commission's regular meetings for the calendar year will be kept on file with the Clerk to the Wake County Board of Commissioners. Any revision to the schedule will be sent to the Clerk at least seven calendar days before the first meeting to be held under the revised schedule.

F. **Meeting Notice – Special Meetings**

For any Fire Commission meeting to be held at a time or place other than those shown on the filed schedule of the Fire Commission's meeting, a written notice of the date, time, and place and purpose of the meeting will be sent to the Clerk to the Wake County Board of Commissioners at least three calendar days before the meeting.

G. **Meeting Cancellations**

For cancellations of any meeting, all Fire Commission members will be notified at least 24 hours before the scheduled meeting time. Fire Commission members may be notified via phone, fax, e-mail, or in writing. In addition, written notice will be sent to the Clerk to the Wake County Board of Commissioners at least 24 hours before the scheduled meeting time.

H. **No Notice – Continuation of Recessed Meetings**

If the Fire Commission recesses a regular or special meeting for which proper notice was given, after the Chair has announced in open session the time and place at which the meeting will be continued, no further notice needs to be given for the continuation of the meeting.

I. **Quorum**

A majority of the actual membership of the Fire Commission excluding vacant seats shall constitute a quorum. A majority is more than half. The Chair shall be considered a member of the Fire Commission in determining the number on which a majority is based and in counting the number of members actually present.

A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present. The Chair may not call a meeting to order until such time as a quorum is present unless, after waiting a reasonable time past the meeting's scheduled starting time, the Chair determines that there is no hope of obtaining a quorum. In that case, the Chair will call the meeting to order, note the lack of a quorum, and adjourn the meeting. If a quorum ceases to be present at any time during a meeting, the Chair will note the lack of a quorum, order the cessation of business, and adjourn the meeting.

J. **Attendance**

All members of the Fire Commission are expected to be present at all regularly scheduled meetings. Members who are not physically present but are in direct contact via telephone or internet shall be counted present. NOTE: It is not the intent of the previous sentence to



encourage telecommuting for Fire Commission meetings. The intent is to provide for those members who, for a legitimate reason, cannot be physically present for the meetings a means to be involved in the Commission's business and represent those he/she is responsible.

Absences due to health, family emergencies, and shift assignment (fire service where no relief can cover) and work conflict (citizen members) are considered excused for the purpose of this section. All others are considered unexcused.

**(a) Committees**

Members of any Fire Commission committee are also expected to attend all committee meetings. Therefore the same standard of attendance is required for Committee members.

**K. Action for Nonattendance**

Should any appointed member of the Fire Commission, other than alternate appointees, have more than one (1) unexcused absence within a calendar year, the Fire Commission shall make a recommendation to the Wake County Board of Commissioners that the appointee be removed from the Fire Commission and that a new person be appointed to fulfill the unexpired term of the original appointee.

It should be noted the importance of consistent attendance by all Fire Commission members. In the event a pattern is noted concerning a lack of consistent attendance by a member, the Chair shall recommend to the Board of Commissioners the replacement of that member.

**(a) Committees**

Absences due to health, family emergencies, and shift assignment (fire service where no relief can cover) and work conflict (citizen members) are considered excused for the purpose of this section. All others are considered unexcused.

**L. Meeting Agenda**

The agenda should be prepared to achieve two functions:

- Focus the Fire Commission by determining what issues will be considered at the meeting and what order each issue will be considered.
- Serve as a guide to the public as to what issues will be considered at the meeting.

**(a) Proposed Agenda.** The Chair determines the content and order of the agenda for Fire Commission meetings. The Chair will advise the Wake County Director of Fire and Emergency Management as to the content of the agenda. At least 7 calendar days before the Fire Commission's next scheduled meeting, the Director of Fire and Emergency Management will prepare the meeting's agenda. Copies of the Fire Commission proposed agenda and any supporting documents shall be emailed to all Commission members and chief officers of all departments prior to the applicable meeting.

Any Fire Commission member may, by a timely request, have an item placed on the proposed agenda. A request to have an item of business placed on the agenda must be received at least 10 working days before the meeting. Each member that requests an item to be on the agenda shall provide a copy of all proposed information, reports, resolutions, etc., that will be attached to the proposed agenda. All agenda documents shall be submitted in the format (see attachment page 18 of 18) identified by the Director of the Fire and Emergency Management Department.

An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce and/or distribute. Each Fire Commission member shall receive a copy of the proposed agenda and the agenda package and the materials shall be available for public inspection and/or distribution when they are distributed to the Fire Commission members.

**(b) Adoption of the Agenda.** As its first order of business at each meeting, the Fire Commission shall discuss and revise the proposed agenda and adopt an agenda for the meeting. The Fire Commission may, by majority vote, add items to or subtract items from the proposed agenda, except that the Fire Commission may not add items to the agenda of a special or emergency meeting unless (a) all members are present and (b) the Fire Commission determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the Fire Commission may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all Fire Commission members.

The Fire Commission may designate certain agenda items “for discussion and possible action.” Such designation means that the Fire Commission intends to discuss the general subject area of that agenda item before making any motion concerning that item.

**(c) Open Meetings Requirements.** The Fire Commission shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the Fire Commission to understand what is being deliberated, voted, or acted on. However, the Fire Commission may deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

**M. Order of Business**

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- Pledge of Allegiance
- Invocation
- Discussion and revision of the proposed agenda; adoption of an agenda
- Approval of the minutes

- Public Comment
- Unfinished business
- New business
- Committee reports
- Appointments
- Informal discussion

By general consent of the Fire Commission, items may be considered out of order.

#### N. **Conduct of Meetings**

The deliberations of all meetings of the Fire Commission and various subcommittees shall be governed by NCGS 143-318, N.C. Open Meeting Law, these Rules of Procedure, and Robert's Rules of Order, Newly Revised. The Fire Commission shall conduct business in accordance with the distributed agenda.

All official meetings of the Fire Commission will be open to the general public and any person is entitled to attend. An "official" Fire Commission meeting is any gathering together of, or simultaneous communication between, a majority of Fire Commission members for the purpose of considering the public business of the Fire Commission. A purely social gathering or communication does not constitute an official meeting.

As presiding officer, the Chair may take whatever action is necessary to provide opportunity for discussion on issues, focus comments and discussion on issues being considered, ensure orderly meetings, and ensure the efficient and effective disposition of issues before the Fire Commission. At the time the meeting is scheduled to begin, or at some reasonable waiting time thereafter if a quorum is not initially present, the Chair will call the meeting to order and announce which members are absent.

## VI. **Action by the Fire Commission**

The Fire Commission shall proceed by motion as provided for in this section. Any member, including the Chair, may make a motion. A motion must be on the floor before a Fire Commission may proceed with discussion or action.

After a motion is made, the Chair shall state the motion and then open the floor for debate. The Chair shall preside over the debate according to the following general principles:

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before someone who has already spoken.

To the extent possible, the debate shall alternate between proponents and opponents of the motion.

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

The introducer may withdraw a motion at any time before it is amended or before the Chair puts the motion to a vote, whichever occurs first.

- **Second Required** - A motion requires a second.
- **One Motion at a Time** - A member may make only one motion at a time.
- **Substantive Motions** - A substantive motion (any motion other than a procedural motion) is out of order while another substantive motion is pending.
- **Adoption by Majority Vote** - A motion shall be adopted by a majority of the votes cast, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

### **Procedural Motions**

**A. Certain Motions Allowed.** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

**B. Order of Priority of Motions.** In order of priority (if applicable), the procedural motions are:

**Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.** A decision of the Chair ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the whole of the Fire Commission. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

**Motion 2. To Adjourn.** This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to [recess] [adjourn] to a time and place certain shall also comply with the requirements of Section V. Meetings, B. (c).

**Motion 3. To Take a Brief Recess.** This motion may be made to provide a break of no more than fifteen (15) minutes to allow members to attend to personal matters, attempt to gather necessary information for Committee actions, or for basic relief. The Chair shall determine the length of the recess.

**Motion 4. Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity or it is waived.

**Motion 5. To Suspend the Rules.** The Fire Commission may not suspend provisions of the rules that state requirements imposed by law on the Fire Commission. For adoption, the motion requires an affirmative vote equal to a two-thirds majority of the entire

membership of the Fire Commission.

**Motion 6. To Go into Closed Session.** The Fire Commission may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a) (1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the Fire Commission expects to receive advice during the closed session, if in fact such advice is to be received.

**Motion 7. To Leave Closed Session.**

**Motion 8. To Divide a Complex Motion and Consider It by Paragraph.** The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

**Motion 9. To Defer Consideration.** The Fire Commission may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 60 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion, or else move to suspend the rules.

**Motion 10. To Postpone to a Certain Time or Day.** If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules.

**Motion 11. To Refer a Motion to a Committee.** The Fire Commission may vote to refer a substantive motion to a committee for its study and recommendations. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire Fire Commission, whether or not the committee has reported the matter to the Fire Commission.

**Motion 12. To Amend.**

- (a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.
- (b) 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.

- (c) Any amendment to a proposed [order] [policy] [regulation] [resolution] shall be reduced to writing before the vote on the amendment.

**Motion 13. To Revive Consideration.** The Fire Commission may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9. The motion is in order at any time within 120 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 120 days after the deferral unless a motion to revive consideration is adopted.

**Motion 14. To Reconsider.** The Fire Commission may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the “nos” prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through [recess] [adjournment] to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

**Motion 15. To Rescind or Repeal.** The Fire Commission may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

**Motion 16. To Prevent Reintroduction for Six Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the entire membership of the Fire Commission. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the Fire Commission, whichever occurs first.

**C. Renewal of Motion**

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

**D. Withdrawal of a Motion**

A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

## **VII. Duty to Vote**

Every member must vote unless excused by the remaining members of the Fire Commission. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the Fire Commission or by law, or the member's official conduct. In all other cases, a failure to vote by a member who is physically present in the Fire Commission meeting, or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

- A. **Basis for Determining a Voting Result** – A simple majority of a qualified quorum shall determine the voting result.
- B. **Voting Procedure** – Regular business of the Fire Commission shall be ratified or opposed by a voice vote or show of hands. Per NCGS 143-318.13 (b): At no time shall the Fire Commission or any subcommittee of the Fire Commission vote by secret ballot.
- C. **One Vote each** – Each member of the Fire Commission or subcommittee of the Fire Commission shall be entitled to one vote. Since the Chair and Vice-Chair serve as voting members their vote shall be counted.
- D. **Abstention** – Members of the Fire Commission may register their abstention on any vote, which shall be reflected in the minutes. Members are to abstain from voting and from participating in deliberations on matters, which may pose a conflict of interest for them or an agency represented.
- E. **Determination of Actions** – All final actions, committee appointments, or policy recommendations shall require the favorable vote of a majority of those Fire Commission or subcommittee members present and not abstaining on the vote at a duly called meeting.
- F. **Public Address to the Fire Commission** - Any individual or group who wishes to address the Fire Commission shall make a request to the Chair be on the agenda. The Chair shall determine whether it will hear the individual or group. Allowable time for the address shall be no more than three (3) minutes, unless there is an affirmative vote to suspend the rule.
- G. **Public Hearings** - Public hearings required by law or deemed advisable by the Fire Commission shall be organized by a special order that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The special order is adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing

All notice and other requirements of the open meetings law applicable to Fire Commission meetings shall also apply to public hearings at which a majority of the Fire Commission is present; such a hearing is considered to be part of a regular or special meeting of the Fire Commission. These requirements also apply to hearings conducted by appointed or elected committees of Fire Commission members, if a majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements of Section V. Meetings,

B. (c) shall be followed in continuing a hearing at which a majority of the Fire Commission, or of a Fire Commission committee, as applicable, is present.

At the time appointed for the hearing, the Chair or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

**H. Closed Sessions** - The Fire Commission may hold closed sessions as provided by law. The Fire Commission shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(a) (1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a) (3) (consultation with attorney; handling or settlement of claims, judicial actions, mediations, arbitrations, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The Fire Commission shall terminate the closed session by a majority vote, using Motion 7. Only those actions authorized by statute may be taken in closed session. A motion to adjourn shall not be in order during a closed session.

**I. Minutes** - Accurate minutes of the Fire Commission meetings shall be kept. The Fire Commission shall also keep an audio recording of any session. These minutes and audio recordings shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the Fire Commission, the entire Fire Commission shall be polled by name on any vote. Minutes shall be kept by a representative of the Wake County Fire Services Department.

## **VIII. Committees**

**A. Establishment and Appointment** - The Fire Commission may establish and appoint members for such standing and ad hoc committees as are required to help carry on the Fire Commission's work. The Fire Commission's standing committees are:

- Administrative
- Apparatus
- Budget
- Communications
- Equipment
- Facility
- Health & Wellness
- Training
- Volunteer Recruitment and Retention



If the Fire Commission proposes to refer an issue to a committee for further review but the issue is not within the purview of one of the standing committees, the Fire Commission may refer it to an ad hoc committee appointed for a particular purpose. If the Fire Commission makes such a referral, the Chair will appoint members of the ad hoc committee.

**B. Minimum Standing Committee Membership -**

A citizen representative must be a resident of Wake County and may not be a career or part-time employee, volunteer, or Board Member (Governing Body) of any fire agency under the purview of the Wake County Fire Commission. Voting membership of each standing committee must consist of at least one member from each region. Not more than two (2) departments from a single region can be represented by voting members on a committee. Each fire department can be represented by no more than one (1) voting member on each committee.

The chair of a standing committee shall serve for a term of one year. He/she may be reappointed at the discretion of the Chairman of the Fire Commission.

**C. Standing Committee Appointments** – The Fire Commission Chair shall make appointments for voting members to Standing Committees. Each committee is composed of one member and one alternate member from each of the Wake County Fire Service Regions. A Standing Committee Chairperson will be appointed by the Fire Commission Chair to manage activities of the Standing Committee. The appointed Standing Committee Chairperson may be a fire service representative from any region or an appointed citizen member.. Each fire department can be represented by no more than one (1) voting member on each Standing Committee. Citizens may be representatives on established Standing Committees. The Fire Commission Chair may appoint up to four (4) citizens members and four (4) citizen alternates to Standing Committees.

Due to its larger scope and responsibilities, the Administrative subcommittee shall consist of 2 primary and 2 secondary members from each fire region, in addition to citizen representatives. Each region will receive one vote on each issue before the committee. It is the responsibility of each region to determine the nature of the vote cast and who will cast the vote.

**D. Standing Committee Procedures** – The Chair of the Standing Committee will supervise the meetings and all minutes and agendas. Each member of the Standing Committee or subcommittee of the Fire Commission shall be entitled to one vote, with the exception of the committee chairperson. He/she shall only vote when a tie vote needs to be broken.

Agendas are to be sent to all Fire Chiefs whose departments fall under the fire tax districts, Fire Commission members, and each voting member of the committee at least two (2) days prior to a meeting. Final meeting minutes are to be distributed to the same persons listed above within one (1) week of a committee meeting. A Standing Committee quorum will consist of a simple majority of the members (including the Chairperson).

E. **Ad-Hoc Committees** – As addressed in VIII (A) - above, the Chair has the power to appoint special committees to address issues of interest to the Fire Commission that do not fall under the prevue of a standing committee. The chairman of the committee can vote on any measure brought before or addressed by this committee and is responsible for presenting the findings to the Fire Commission on or before the date requested.

## **IX. Amendment of Rules**

These rules may be amended at any regular Fire Commission meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, unless a statute or a rule of the body that created the Fire Commission provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum.