

MINUTES OF THE CASWELL COUNTY BOARD OF HEALTH

The Caswell County Board of Health met at 7:00 P.M. on May 27, 2014 in the Caswell County Health Department's downstairs meeting room in Yanceyville, North Carolina.

ATTENDANCE:

Position	Name	Present	Not Present
County Commissioner	Nate Hall	X	
Pharmacist	Andrew Foster, Pharm. D, R.Ph. (Chair)	X	
Dentist	Rose Satterfield, DMD	X	
Veterinarian	Donald Fuller, DVM	X	
Physician (Gen. Pub.)	Cecil Page		X
Registered Nurse	Jennifer White, RN		X
Engineer (Gen. Pub.)	Ricky McVey	X	
Optometrist (Gen. Pub.)	Carl Carroll, RS, MBA		X
General Public	Keisha King		X
General Public	Elin Armeau-Claggett, PA-C, PhD (Vice-Chair)	X	
General Public	Sharon Kupit		X

Others Present: Frederick Moore, MD – Health Director
 Sharon Hendricks – Finance Officer
 Jennifer Eastwood, MPH – QI Specialist

I. Call to Order

- A. The May 27, 2014 meeting of the Caswell County Board of Health was called to order by the Chair at 7:10 P.M.

II. Public Comment

- A. None

III. Action Items

- A. Approval of Minutes

A motion was made by Elin Armeau-Claggett and seconded by Nate Hall, to approve the April 22, 2014 Minutes of the Board Of Health as distributed in the packet. The motion carried on a vote of 6 to 0.

- B. Rick McVey requested to make a statement at this time. He said that his three-year term was ending in June and he had not applied for another term from the Board Of Commissioners. He said that he enjoyed the time he spent on the Board Of Health and he said he had learned a lot. He said he had a very busy schedule and wanted to take a break. He then excused himself from the meeting, saying that he would not be attending the June board meeting.
- C. There was some discussion about whether there was still a quorum present without Rick McVey. Dr. Moore said that he was not sure, but he thought there was a rule that said when someone was counted as present and a quorum was reached, the quorum remained in effect even if they left the meeting.
- D. Budget Amendment
 - 1. Dr. Moore said that Budget Amendment #6 added \$8,635 of state funds to our budget. These state funds are going into our Environmental Health, Immunization and Family Planning programs. The remainder of this budget amendment was moving funds between line items to cover expenses.

A motion was made by Donald Fuller and seconded by Rose Satterfield to approve Health Department Budget Amendment #6 as presented. The motion carried on a vote of 5 to 0 with one abstention (Rick McVey).

- E. Budget Status for Current Fiscal Year
1. Dr. Moore reported that expenses in the current fiscal year were running at 75% of budget while revenue was running at 68%. The net deficit is down to \$158,822.
 2. Dr. Moore reported that the Medicaid cost settlement had been submitted to the state for payment and is estimated to be around \$250,000. We still do not know exactly when this will arrive but it might arrive before the end of this fiscal year. We cannot count on this money until we hold it in our hands. However, if it does come in this fiscal year it would make this year's budget look a lot better. How this will impact next year's budget is uncertain.
- F. Status of Budget for Next Fiscal Year
1. Dr. Moore reviewed the current status of the budget as presented in the packet. He said that it was currently being reviewed by the County Manager and Board of Commissioners.
 2. The current proposed budget is \$187,000 less than the budget for the current fiscal year. As we have discussed on several occasions, the problem with next year's budget for the health department is revenue not expenses. We are still needing to ask the county for an additional \$255,000 of tax appropriation to make up for the earned revenue shortfall.
 3. The Interim County Manager has asked Dr. Moore to present the health department's budget to the Board Of Commissioners in a few days.
 4. Dr. Moore said that any significant cuts to the budget will require a reduction in personnel which will mean a reduction in services. In order to come anywhere close to making up the \$250,000, we would need to eliminate our adult health and home health programs which would mean cutting health department staff numbers in half.
 5. Dr. Moore said that health departments in other counties have eliminated these programs but those counties typically had many more private sector services available to pick up the slack. Caswell County has a history of a shortage of primary care providers and eliminating a quarter of primary care providers in the county does not make this any better.
 6. Dr. Moore reminded the board that the health department's budget was really about 19 separate budgets with separate funding that could not, for the most part, be shifted between programs.
 7. Nate Hall asked what the current receivables in our home health program were. Dr. Moore said that it was about \$200,000 from all payer sources.
- G. Fees for FY 2015
1. Dr. Moore said that North Carolina law required the health director to present a list of fees to the Board of Health for approval and when approved they are to be sent on to the board of commissioners for their final approval. Dr. Moore reviewed the proposed fees that is presented in the packet. Many of the ease fees are based on cost reports while others are based on Medicaid rates. For the most part there were only minor changes.
 2. The fees are generally divided into three categories: Environmental Health, Home Health, and Personal Health.
 - a. Environmental Health fees did not change at all and have not changed for several years.
 - b. Home Health fees are based on the annual cost reports. Home Health and CAP supplies are based on a formula that we have been using for several years.
 - c. Personal Health fees are divided into our "flat fees" that are not on our

sliding fee and the more typical fees that are on our sliding fee. The flat fees are designed, for the most part, to cover the actual costs of services that we have to purchase (for example vaccines). The other fees are mostly the same with the main exception being our venipuncture fee increasing from \$10 to \$15. We have also added a few items to our flat fees due to having additional services in our lab.

- d. Dr. Moore was asked how many of our patients are eligible for our sliding fee program. Dr. Moore said that approximately 50 to 60% were eligible. He reminded the board that every program that we have receives a subsidy from some source, whether it's federal, state or local. There are no self-sustaining programs.

A motion was made by Elin Armeau-Claggett and seconded by Donald Fuller to approve Health Department Fee Schedule as presented. The motion carried on a vote of 5 to 0 with one abstention (Rick McVey).

IV. Informational Items

- A. Dr. Moore included the packet a letter from the CDC on what is currently known about e-cigarettes. In general the letter said that the exact impact on health was not known as the e-cigarettes were not yet regulated, but common sense would say that inhaling aerosolized nicotine and other unknown substances is probably not beneficial to health.
- B. Dr. Moore said that he had read studies that showed that the use of e-cigarettes did not significantly reduce the use of regular cigarettes.
- C. Nate Hall stated that at the last meeting of the Board Of Commissioners, a resolution was presented requesting that bathroom facilities be made available at every polling place. The resolution failed on a 3 to 4 vote. Mr. Hall said that he thought this was possibly a public health issue and he asked the board of health to think about this if, in the future, they were asked to give an opinion. Mr. Hall said that he had researched North Carolina law and there was no law requiring that bathrooms be made available at every polling place. The issue is not that bathrooms are not present, the issue is that polling officials will not allow people to use the restroom. Mr. Hall said that he felt that this was a voter suppression issue as well. Dr. Moore agreed with him on this. Mr. Hall said that the Board of Commissioners do not have authority to require this, it is strictly a matter for the Board of Elections.
- D. On June 20, 2014, the NC Health Department Accreditation Board met and officially approved the recommendation of the accreditation site visit team to approve Caswell County's accreditation for the next four years.

V. Adjournment

- A. The Chair adjourned the meeting without objection.

Approved By: _____
Health Director

Date

Board of Health

Date

Health Director's Report – June 24, 2014

I. Board of Health Membership

- A. I have not heard if the Board of County Commissioners have selected the replacements for those leaving the Board of Health.

II. Finance

A. Current Year's Budget

- 1. Budget Amendment #7
 - a. This amendment moves money between various line items to cover expenses.
- 2. Budget Status (92%)
 - a. Expenses: the health department has spent 85% of this year's budget.
 - b. Revenue: total revenue is at 75%
 - c. We are currently running a deficit of about \$216,000.
 - d. At the time of this writing, we have not yet received the Medicaid cost settlement.

B. Next Year's Budget

- 1. Since the last board meeting I have met Board of County Commissioners by myself and with several members of the Board of Health. I have been told that the Board of County Commissioners will be voting on a budget before we meet on Tuesday.

C. Quorum Issue

- 1. At the beginning of the last Board of Health meeting we had a quorum of 6 board members.
- 2. As you remember, one member excused himself and we were left with only five members present. At the time I stated that I had heard that the quorum at the beginning of the meeting was what counted, and we continued the meeting.
- 3. I have done some research in the last month that gives conflicting guidance on this issue.
- 4. Included in the packet are several documents that come down on different sides on this issue. The board should discuss this matter, and depending on what the board decides, we may need to revisit some of the votes taken at the last meeting.

III. Miscellaneous Informational Items

- A. Environmental Health Statistics
- B. Clinic Visit Statistics
- C. Home Health Statistics

CASWELL COUNTY BUDGET AMENDMENT # _____
Health Department Amendment # 7

Be it ordained, the FY 2013-2014 Annual Budget Ordinance is hereby amended as follows:

PUBLIC HEALTH - 5110

<i>Expenditure Line</i>	<i>Account Code</i>	<i>Increase / (Decrease)</i>	<i>Amended Budget</i>
Salary 121	100.5110.121.000	(\$7,048.25)	\$1,579,103.75
Longevity 127	100.5110.127.000	(\$225.00)	\$21,900.00
SS / FICA 181	100.5110.181.000	\$1,944.74	\$123,898.74
Retirement 182	100.5110.182.000	\$1,701.00	\$112,595.00
Health Insurance 183	100.5110.183.000	\$2,532.26	\$214,786.26
Contracted Services 199	100.5110.199.000	(\$13,203.00)	\$489,551.00
Program Supplies 230	100.5110.230.000	\$8,848.25	\$43,911.25
Pharmaceuticals 238	100.5110.238.000	\$4,565.00	\$46,191.00
Office Supplies 260	100.5110.260.000	\$1,246.00	\$12,517.00
Small Tools & Equip. 295	100.5110.295.000	(\$143.00)	\$45,947.00
Mileage 311	100.5110.311.000	\$23.00	\$106,438.00
Travel Subsistence 312	100.5110.312.000	(\$44.00)	\$6,764.00
Telephone 321	100.5110.321.000	(\$1,907.00)	\$9,527.00
Postage 325	100.5110.325.000	(\$421.00)	\$3,804.00
Maint & Repair 352	100.5110.352.000	\$1,434.00	\$7,564.00
Advertising 370	100.5110.370.000	\$862.00	\$3,584.00
Laundry 392	100.5110.392.000	(\$103.00)	\$1,059.00
Training 395	100.5110.395.000	(\$229.00)	\$11,094.00
Rental of Copier 431	100.5110.431.000	(\$752.00)	\$8,041.00
Dues, Subsc. & Pub. 491	100.5110.491.000	\$919.00	\$21,608.00
TOTAL EXPENSE BUDGET:		\$0.00	\$3,120,255.00

<i>Revenue Lines</i>	<i>Account Code</i>	<i>Increase / (Decrease)</i>	<i>Amended Budget</i>
TOTAL REVENUE BUDGET:		\$0.00	\$3,120,255.00

Justification:

Move funds between lines to cover expenses.

That all Ordinances or portions of Ordinances in conflict are hereby repealed.

 Approved by Health Director

 Date

 Approved by Board of Health

 Date

 Paula Seamster, Clerk to the Board

 Date

Approved by the Caswell County Board of Commissioners

CASWELL COUNTY HEALTH DEPARTMENT (FY 2013-2014)

	Budget	Actual YTD	Balance	YTD = 91.67%
SALARY & BENEFITS SUBTOTAL	2,097,320.75	1,790,401.09	306,919.66	85.37%
Board Expenses 120	0.00	0.00	0.00	0.00%
Salary 121	1,579,103.75	1,355,263.23	223,840.52	85.82%
Call 122	45,037.00	29,821.00	15,216.00	66.21%
Longevity 127	21,900.00	21,764.52	135.48	99.38%
SS / FICA 181	123,898.74	103,808.73	20,090.01	83.79%
Retirement 182	112,595.00	97,124.62	15,470.38	86.26%
Health Insurance 183	214,786.26	182,618.99	32,167.27	85.02%
OPERATIONAL EXPENSE SUBTOTAL	1,022,934.25	864,147.65	158,786.60	84.48%
Contracted Services 199	489,551.00	406,751.35	82,799.65	83.09%
Food & Provisions 220	654.00	420.07	233.93	64.23%
Program Supplies 230	43,911.25	37,343.12	6,568.13	85.04%
Pharmaceuticals 238	46,191.00	41,736.15	4,454.85	90.36%
HH/CAP Med Supplies 239	188,000.00	163,494.47	24,505.53	86.97%
Office Supplies 260	12,517.00	12,516.41	0.59	100.00%
Small Tools & Equip. 295	45,947.00	43,637.13	2,309.87	94.97%
Mileage 311	106,438.00	82,030.09	24,407.91	77.07%
Travel Subsistence 312	6,764.00	5,457.20	1,306.80	80.68%
Telephone 321	9,527.00	8,093.46	1,433.54	84.95%
Postage 325	3,804.00	3,318.83	485.17	87.25%
Printing 340	1,409.00	803.60	605.40	57.03%
Maint & Repair 352	7,564.00	6,647.33	916.67	87.88%
Advertising 370	3,584.00	3,235.39	348.61	90.27%
Laundry 392	1,059.00	611.03	447.97	57.70%
Training 395	11,094.00	5,777.50	5,316.50	52.08%
Rental of Copier 431	8,041.00	8,040.52	0.48	99.99%
Rental of Post Meter 432	612.00	612.00	0.00	100.00%
Ins & Bonding 450	4,284.00	4,283.55	0.45	99.99%
Dues, Subsc. & Pub. 491	21,608.00	18,963.45	2,644.55	87.76%
Capital Outlay 500	10,375.00	10,375.00	0.00	100.00%
TOTAL EXPENSES	3,120,255.00	2,654,548.74	465,706.26	85.07%
TOTAL REVENUE	3,120,255.00	2,343,931.77	776,323.23	75.12%
STATE SUBTOTAL	643,965.00	462,156.81	181,808.19	71.77%
(101) COUNTY APPROP	371,576.00	333,717.18	37,858.82	89.81%
(103) UR FUND BAL	96,042.00	95,710.72	331.28	99.66%
(102) WCH FUND BAL	134,923.00	133,927.34	995.66	99.26%
(102) PPC FUND BAL	55,081.00	42,123.64	12,957.36	76.48%
OTHER SUBTOTAL	657,622.00	605,478.88	52,143.12	92.07%
(102) MCD - REGULAR	973,583.00	799,928.74	173,654.26	82.16%
(102) MCD - SETTLEMENT	0.00	0.00	0.00	0.00%
(103) MCR - REGULAR	703,801.00	379,648.59	324,152.41	53.94%
(103) MCR - HMO	57,437.00	27,807.52	29,629.48	48.41%
(103) PRIVATE INS	15,047.00	14,556.73	490.27	96.74%
(103) DIRECT FEES	68,800.00	54,354.50	14,445.50	79.00%
EARNED SUBTOTAL	1,818,668.00	1,276,296.08	542,371.92	70.18%
BALANCE	0.00	-310,616.97		

Actual (Includes Receipt of State Delay)

-215,965.57

Mason's Ten Principles of Parliamentary Law¹ for a Citizen Advisory Committee

1. *The committee can take only those actions that it has authority or jurisdiction to take.* The committee's action, to be valid, must not violate any applicable law or constitutional provision. A citizen advisory committee has only those powers conferred on it by law or necessarily implied from some specific grant of power.
2. *The committee must meet in order to act.* Under North Carolina law, the powers conferred on the public bodies are exercised by the body as a group, not by its individual members. Therefore, the group must meet in order to act.
3. *All committee members must receive proper notice of meetings.* Since all members are equally entitled to participate in meetings, each member must be properly notified of the place, time, and purpose of:
 - (a) Regular Meetings
 - (b) Special Meetings
 - (c) Emergency Meetings
 - (d) Work Sessions and Subcommittee Meetings
4. *The committee may act only with a quorum.* A committee's bylaws or founding documents designate what shall constitute a quorum. Unless otherwise stated, the number required for a quorum is not affected by vacancies and if a member has withdrawn from a meeting without being excused by majority vote of the remaining members present, he or she shall be counted as present for the purposes of determining whether a quorum is present.
5. *There must be a question before the committee on which it can decide.* Except when electing their own officers, public bodies proceed by voting yes or no on specific proposals put forward by one or more members. Each member has the right to know at all times what question is before the committee and what effect a yes or no vote would have on that question.
 - Action by the Committee The committee shall proceed by motion.
 - One Motion at a Time A member may make only one motion at a time.
 - Substantive Motion A substantive motion is out of order while another substantive motion is pending.
 - Procedural Motions. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.
 - Renewal of Motion A defeated motion may not be renewed at the same meeting.
 - Withdrawal of Motion A motion may be withdrawn by the introducer at any time before the chair puts the motion to a vote.

¹ Mason's *Principles* and the quoted rules are taken from Joseph S. Ferrell, *Suggested Rules of Procedure for the Board of County Commissioners* (Chapel Hill, N.C.: School of Government, 2002). A city council may adopt its own rules of procedure if these are consistent with state law and "generally accepted principles of parliamentary procedure" (G.S. 160A-71c). Also see NC open meeting law (G.S. 143-33C.)

6. *There must be opportunity for debate.* The very nature of a deliberative body requires that members share information and opinion about matters before the committee. The chair shall state the motion and then open the floor to debate, presiding over the debate according to these general principles:
 - (a) The member making the motion or introducing the item is entitled to speak first.
 - (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken.
 - (c) To the extent possible, the debate shall alternate between opponents and proponents of the measure.
 - (d) No member shall speak more than twice on the main question, or longer than [ten] minutes for the first speech and [five] minutes for the second speech; nor shall the member speak more than twice upon an amendment or procedural motion and then not longer than [five] minutes for the first speech and [two] minutes for the second speech.
7. *Questions must be decided by vote.* Legislative bodies do not decide matters by discussing them until a consensus emerges. Committees *may* be authorized to decide matters by consensus.
8. *Votes are decided by majority.* Usually only a simple majority of votes cast suffices, but the board's rules or an applicable law may sometimes require an extraordinary majority.
 - Adoption by Majority Vote A motion shall be adopted if approved by a majority of the votes cast, a quorum being present, unless an extraordinary majority is required by these rules or the laws of North Carolina.
 - Duty to Vote It is the duty of each member to vote unless excused by a majority vote according to law. The committee may excuse members from voting on matters involving their own financial interest or official conduct. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the [affirmative] [negative]. Unless excused by rule of the committee, the presiding officer has the duty to vote on any question before the committee, but has no right to break a tie vote in which he participated.
9. *There must be no fraud, trickery, or deception in the committee's proceedings.*
 - Prohibition of Secret Voting No vote may be taken by secret ballot. If the committee decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, at which time they may be destroyed.
10. *The committee's rules of procedure must be applied consistently.*
 - Powers of the Chair The chair shall preside at all meetings of the committee. A member must be recognized by the chair in order to address the board. The chair shall have the following powers:
 1. To rule on points of parliamentary procedure, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
 2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
 3. To call a brief recess at any time;
 4. To adjourn in an emergency.



A. Fleming Bell, II, has been a member of the faculty of the Institute of Government since 1982. As professor of public law and government, his areas of specialty include local government law and procedures, government contracts, ethics, conflicts of interest, multiple and incompatible office-holding, and the responsibilities of city and county clerks and county attorneys.



The University
of North Carolina
at Chapel Hill

Open Meetings and Local Governments in North Carolina: Some Questions and Answers

Sixth edition, 2002

David M. Lawrence

Details the provisions of North Carolina's open meetings law in a question-and-answer format and sets out the text of the law. For related information, see *Local Government Law Bulletin* #103: "Closed Sessions under the Attorney-Client Privilege."

Public Records Law for North Carolina Local Governments

1997 book and 2003 cumulative supplement

David M. Lawrence

In addition to examining the contours of the public's right of access to public records held by North Carolina local governments, this book reflects a 1992 ruling by the North Carolina Supreme Court that endorses a broad definition of public record, holding that only the General Assembly may establish exceptions to the public's right to access and copy public records. Although focusing mainly on local government, much of this book will also be useful to officials in state government. A new 2003 cumulative supplement discusses changes and developments in North Carolina public records law from 1999 through 2003 as well as important cases decided in other jurisdictions during that period.

Suggested Rules of Procedure for the Board of County Commissioners

Third edition, 2002

Joseph S. Ferrell

(A 3.5-inch computer disk of the book is available when five or more books are ordered; limit one disk per order. Disks will not be sold separately and will not be returnable or refundable.) Discusses the general principles of parliamentary procedure as applied to the meetings of North Carolina boards of county commissioners. The third edition makes two changes in the suggested rules and updates one of the comments to reflect legislation enacted in 1997.

Suggested Rules of Procedure for a City Council

Third edition, 2000

A. Fleming Bell, II

(A 3.5-inch computer disk of the book is available when five or more books are ordered; limit one disk per order. Disks are not sold separately and are not returnable or refundable.) General principles of parliamentary procedure specifically designed for a city council. Includes requirements of North Carolina's open meetings law and rules governing agendas, the powers of the chair, citizen participation, closed sessions, minutes, appointments, and procedural motions.

North Carolina City Council Procedures

Second edition, 1997

David M. Lawrence

Presents recommended procedures for conducting city council meetings.

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Suggested Rules of Procedure for

Small Local Government Boards

Second Edition

A. Fleming Bell, II



Comment: A majority of the membership is generally considered a quorum for most deliberative bodies. Under this rule the board must decide whether it wishes to include or exclude vacant seats in determining the number of board members on which a quorum will be based. Either option is acceptable unless a specific statute or other rule governing the board specifies how a quorum is to be determined. For example, city councils in North Carolina must exclude vacant seats from the count (G.S. 160A-74), while boards of county commissioners must include them (G.S. 153A-43). The rule allows the board to choose whether to count the chair as a board member for quorum purposes; the board may choose not to count the chair if that person has a vote only in the case of a tie. The last sentence of this rule prevents a member from defeating a quorum by simply leaving the meeting.

Rule 23. Public Hearings

Public hearings required by law or deemed advisable by the board 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 board meetings shall also apply to public hearings at which a majority of the board is present; such a hearing is considered to be part of a regular or special meeting of the board. These requirements also apply to hearings conducted by appointed or elected committees of board 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 Rule 2(c) shall be followed in continuing a hearing at which a majority of the board, or of a board committee, as applicable, is present.

At the time appointed for the hearing, [the board shall vote to open the hearing and] 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

Suggested Rules of Procedure

Rule 21. Closed Sessions

The board may hold closed sessions as provided by law. The board 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 board shall terminate the closed session by a majority vote, using Motion 7 of Rule 16(b).

Only those actions authorized by statute may be taken in closed session. A motion to [adjourn] [recess] shall not be in order during a closed session [Rule 16(b), Motion 2].

Comment: This rule states some of the requirements of G.S. 143-318.11(c) for calling closed sessions. In particular, note the special requirements for motions to call closed sessions that are based on G.S. 143-318.11(a)(1) or, in some cases, on G.S. 143-318.11(a)(3). No attempt is made here to set forth all of the provisions of the open meetings law concerning the purposes for which closed sessions may be held and the actions that may be taken in closed session; specific information can be found in G.S. 143-318.11(a). Note, however, that adjournment or recessing pursuant to Rule 16(b), Motion 2, is not an action authorized by statute to be taken during a closed session. Minutes and general accounts of closed sessions are discussed in Rule 24.

Rule 22. Quorum

A majority of the actual membership of the board [excluding vacant seats] shall constitute a quorum. A majority is more than half. The chair [shall] [shall not] be considered a member of the board 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.



What Happens if You Lose Quorum During a Meeting?

Posted on November 12, 2013 by Jim Slaughter

My last blog concerned "What Happens if You Don't Have Quorum at the Start of a Meeting?" A related question is, "What happens if you start the meeting with a quorum, but lose it during the meeting?" While the issue of quorum at the beginning of a meeting can be complicated, the issue of vanishing quorum can get downright confusing. That's because you can end at a different result depending your type of organization (nonprofit corporation, membership meeting, board, shareholder meeting, governmental body, HOA, condo association, etc.) and location (different states have different statutes).



What Is the Significance of Meeting Quorum ?

Under common parliamentary law (i.e., no statutes and just governing documents) or *Robert's Rules of Order Newly Revised (11th Edition)* ("RONR"), the answer is fairly straightforward: you always have to have a quorum. After all, quorum is the minimum number of members who must be present at a meeting to transact business. While there are some exceptions (see below), no motions or votes should occur unless there is a quorum. As a result, if quorum is lost in a meeting without a statute or rule to the contrary, business stops.

Robert's Rules Quorum Steps

For organizations that follow *RONR* due to statute or governing documents (such as some governmental bodies, homeowner and condominium associations, and nonprofits), there are several procedural steps that can be taken even in the absence of a quorum, including:

- Setting a continued meeting through the motion to Fix the Time to Which to Adjourn.
- Ending the meeting through a motion to Adjourn.
- Recessing the meeting, in efforts to obtain a quorum.
- Taking measures to obtain a quorum, such as rounding up members in the hall or contacting members.

If some urgent matter can't be delayed and must be acted upon, the members proceed at their own risk with the hope that a later meeting with quorum will ratify the action. There seems to be an urban legend that business at meetings can continue without a quorum so long as no one raises the issue. Not true! The general rule is that business transacted in the absence of a quorum is null and void. In fact, members who vote on motions at meetings without a quorum can at times be held personally liable for their actions. So don't do it!

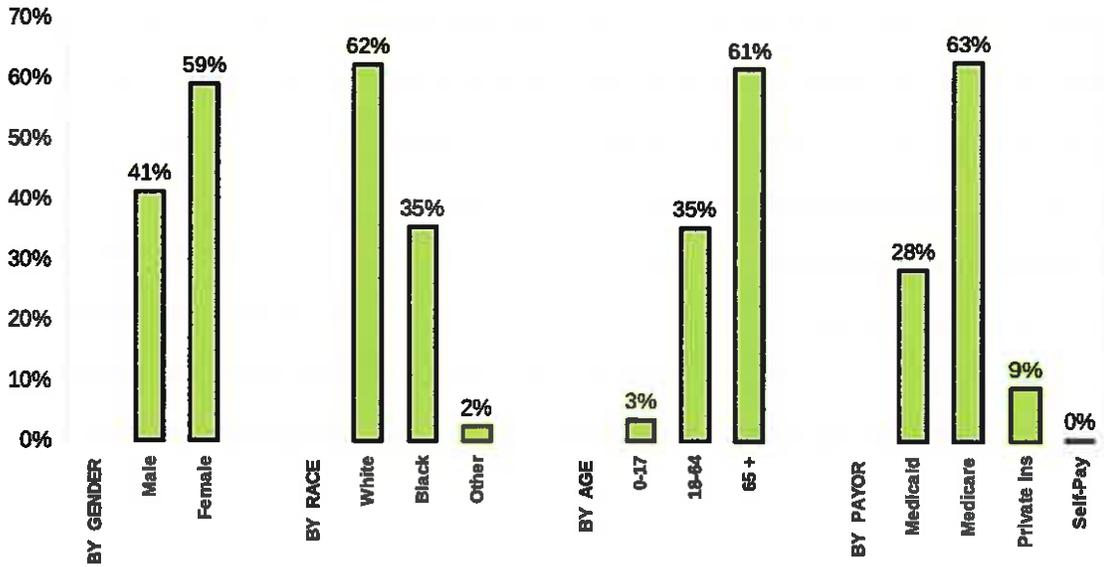
For organizations governed by state statutes (incorporated nonprofits, community associations, governmental bodies), the answer can be more complicated. For instance, the model acts for nonprofits, condominiums, community associations, and planned communities all provide that if a quorum is present at the beginning of a membership meeting, the quorum remains regardless of how many members leave. So, you could end up with only a few remaining members at the end of a meeting making decisions for the entire organization. There are both news accounts and lawsuits of such instances, with the general rule being that if you don't want a small group of others to make decisions on your behalf, don't leave the meeting! The rule is generally the opposite for board meetings, where a quorum must generally be present at all times during the meeting.

How to Raise the Issue of a Lost Quorum

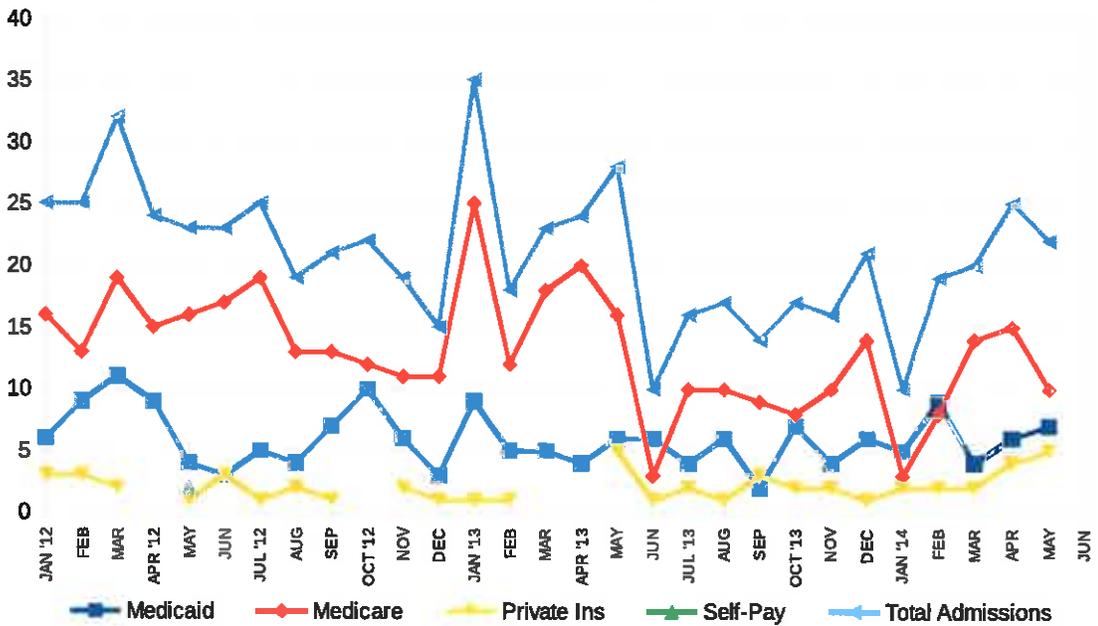
In organizations that require a quorum at all times, what is the process for raising the issue that it has been lost? Under most parliamentary procedure manuals, the absence of a quorum is brought to the attention of the chair through a Point of Order ("I believe we no longer have a quorum") or a question to the chair ("Do we still have a quorum?"). Even if no one raises the issue, the presiding officer has an obligation to make certain that enough members are present for a valid meeting. At the point where it is realized there is no quorum, business (other than the procedural motions discussed above) stops. A guest speaker or announcements might be allowed, but no further votes should be taken. In larger bodies, because no one knows exactly when the quorum was lost, *Robert's Rules of Order* provides that prior action is still valid. However, when it can be shown that a quorum was missing for a prior vote by "clear and convincing proof" (such as the record of a roll call listing everyone present at the meeting at that moment), even past actions can be challenged. (For more details on the process, check out the "Quorum" chapter of *Notes and Comments on Robert's Rules, Fourth Edition*, or pages 96-98 of *The Complete Idiot's Guide to Parliamentary Procedure Fast-Track*.)

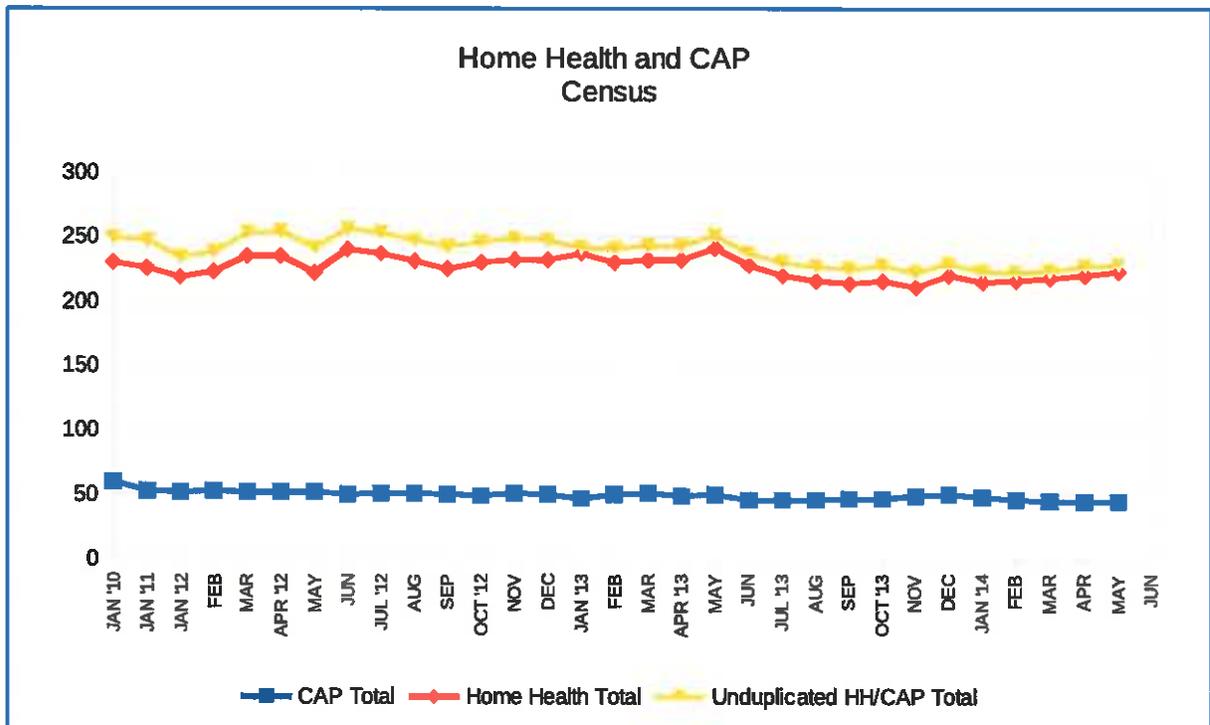
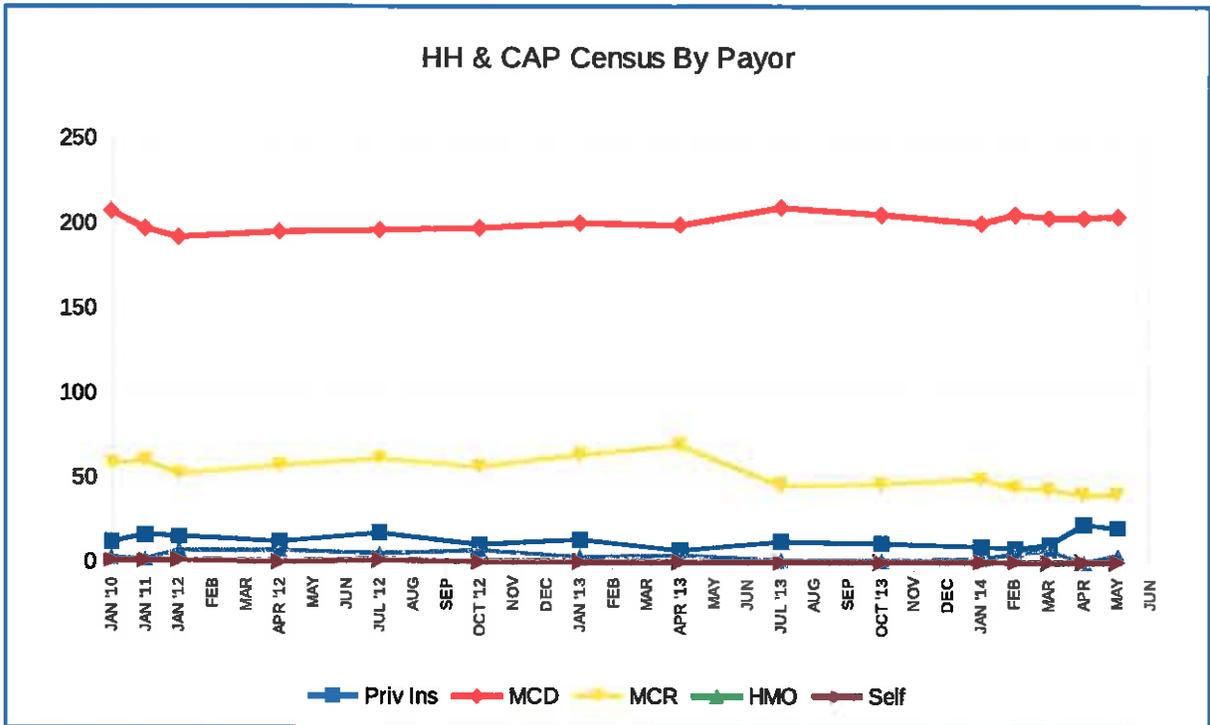
This entry was posted in [HOA & Condo Associations Parliamentary Law](#) and tagged [parliamentary procedure](#) [Robert's Rules of Order](#) by [Jim Slaughter](#). Bookmark the [permalink](http://www.lawfirmrbs.com/blog/what-happens-if-you-lose-quorum-during-a-meeting/) [<http://www.lawfirmrbs.com/blog/what-happens-if-you-lose-quorum-during-a-meeting/>]

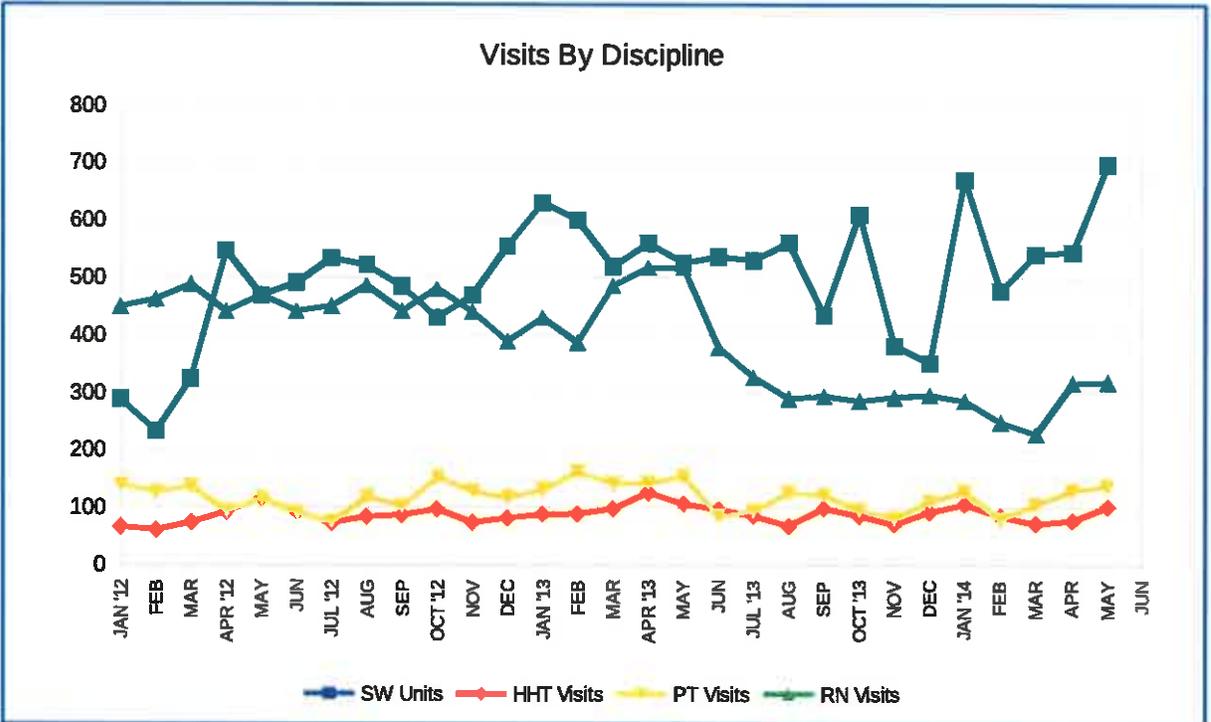
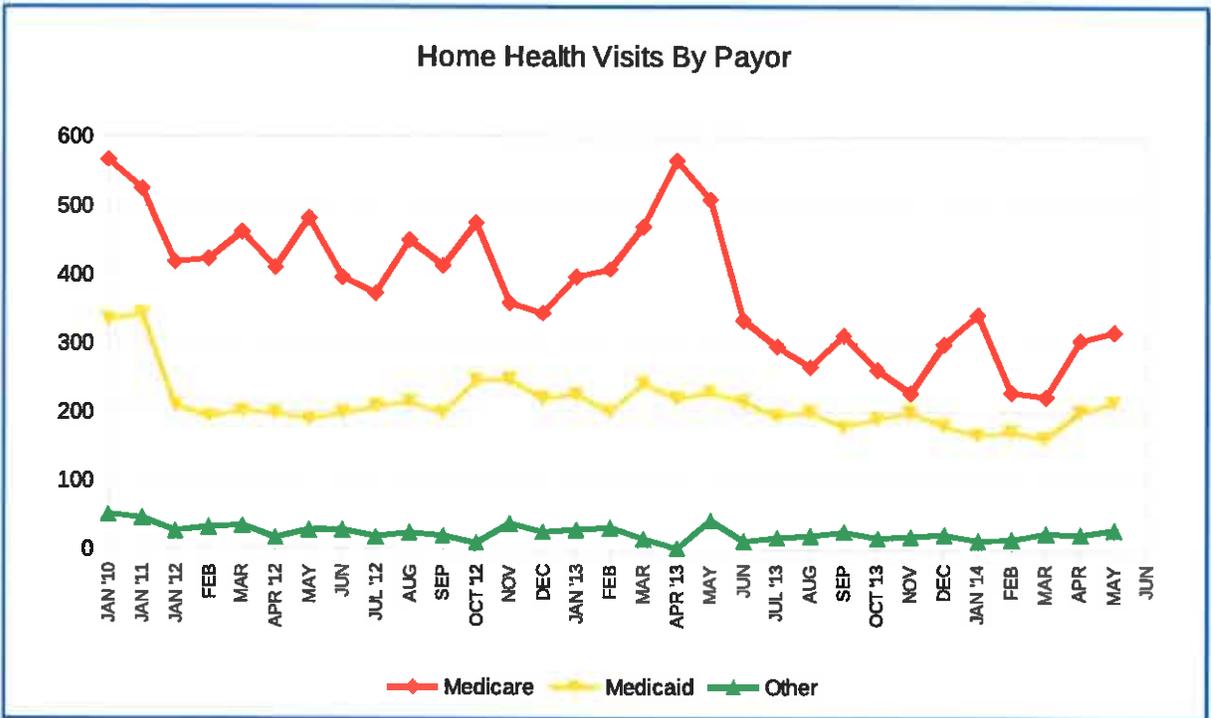
Admission Demographics

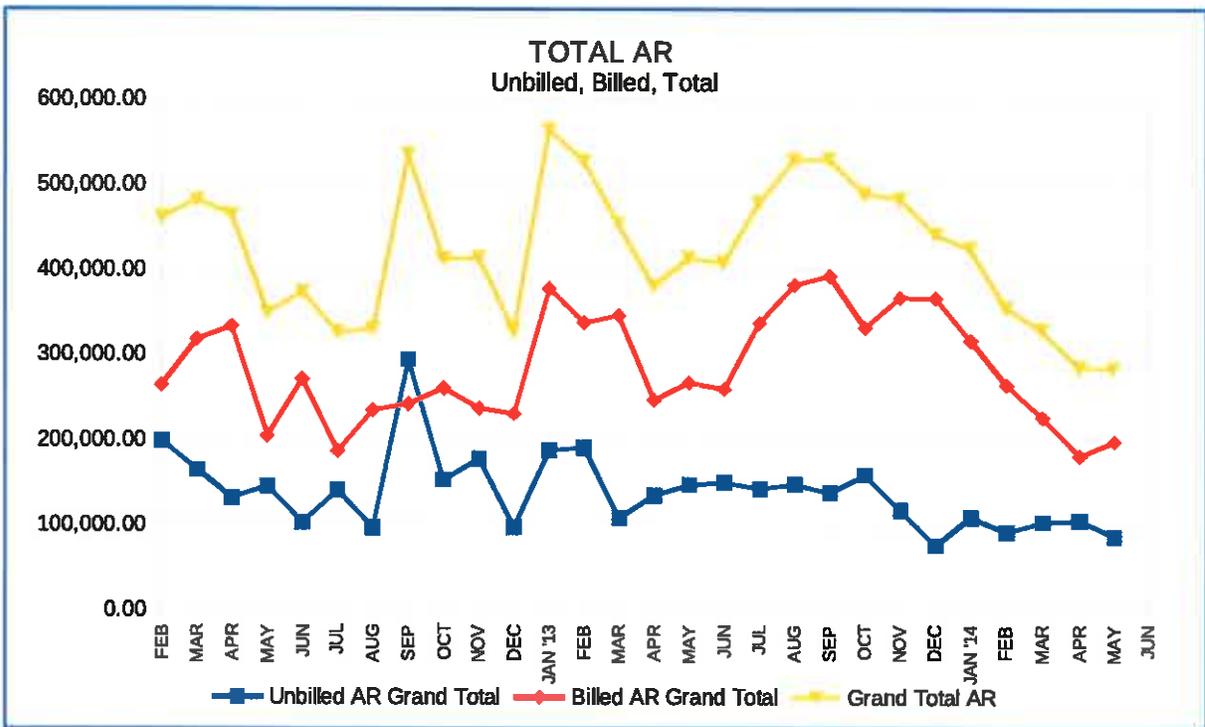
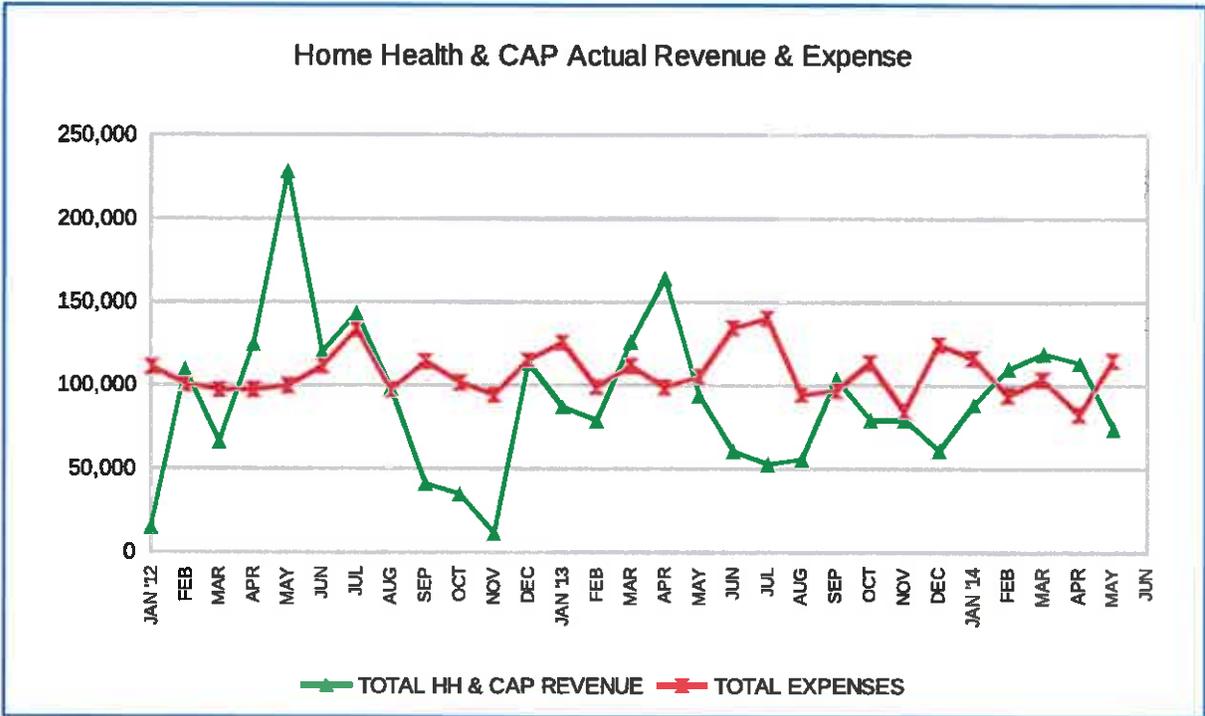


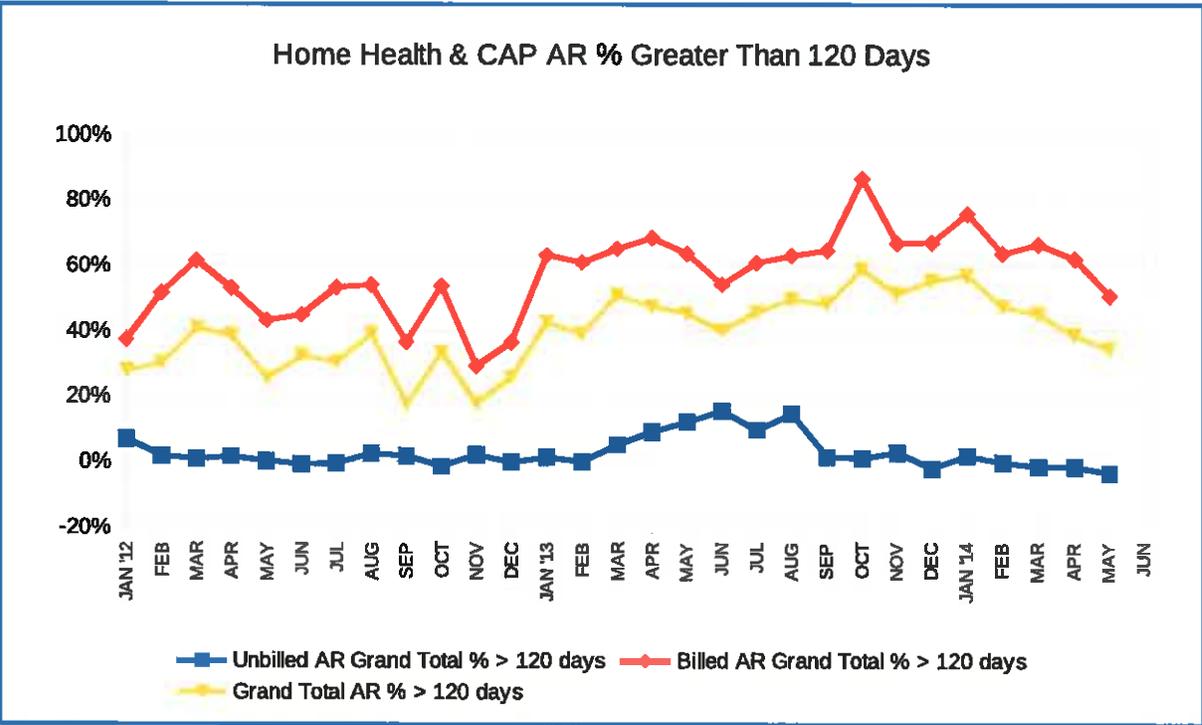
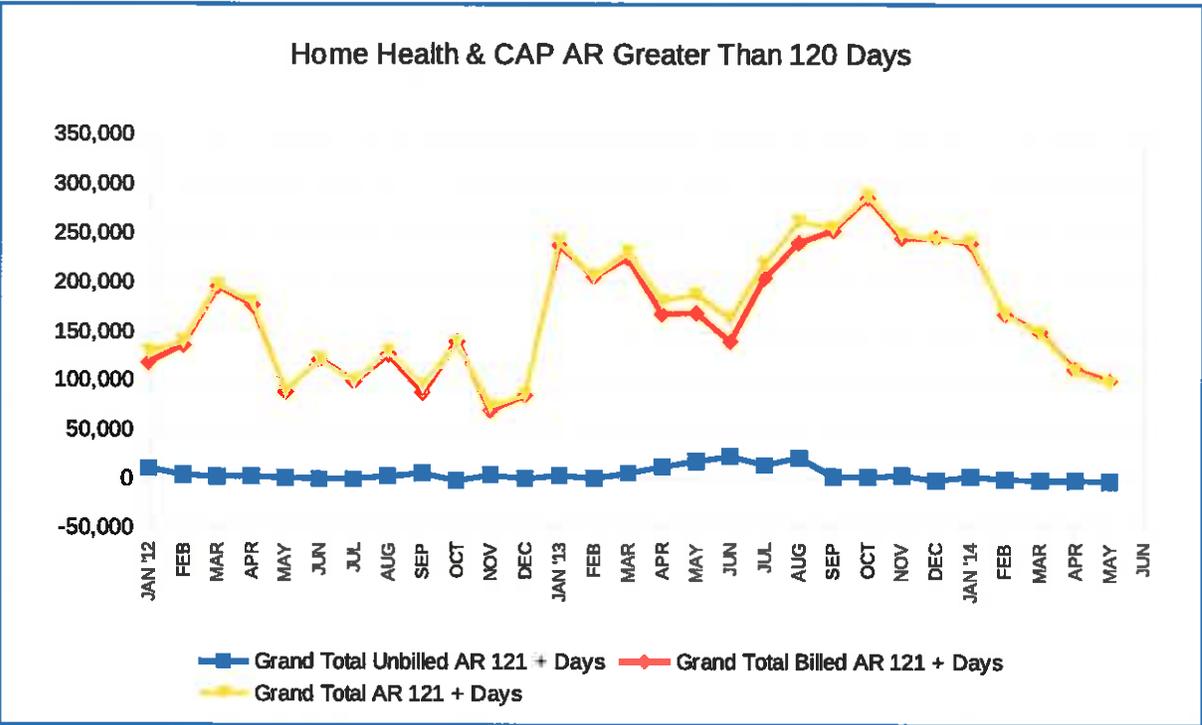
Admissions by Payor

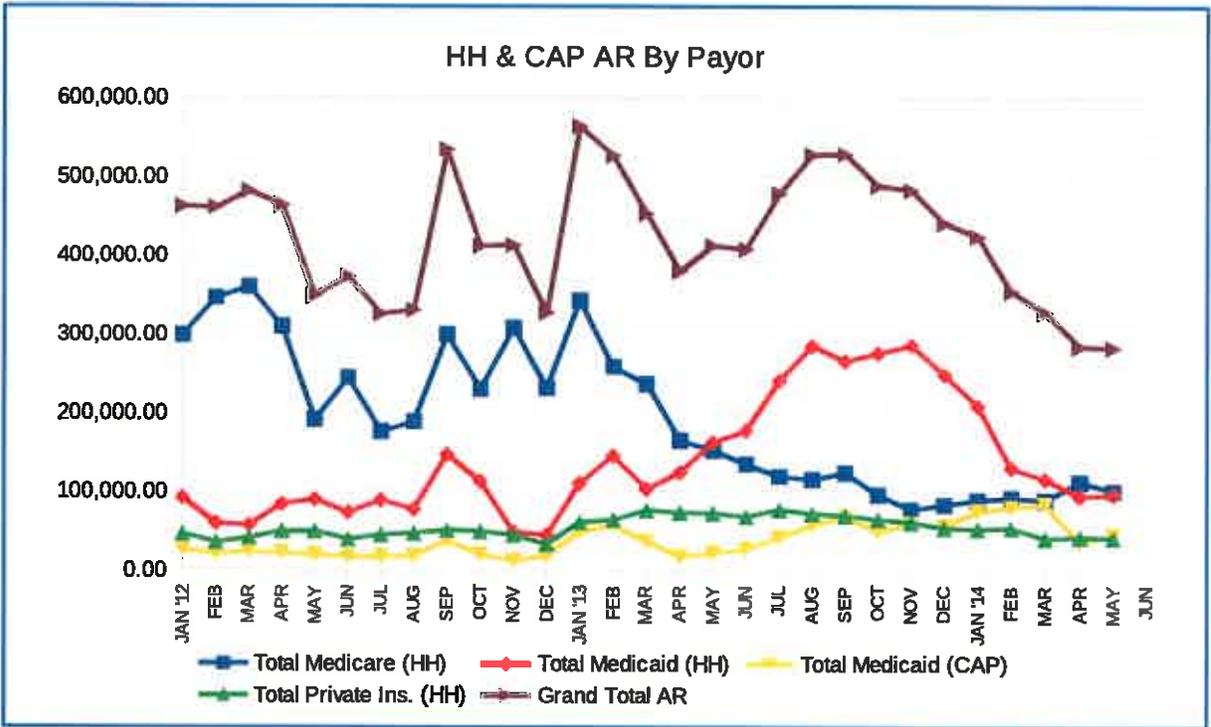












Caswell County Environmental Health Statistics (FY2013-2014)

Service	JUL		AUG		SEP		OCT		NOV		DEC		JAN		FEB		MAR		APR		MAY		YTD TOTAL			
	#	\$	#	\$	#	\$	#	\$	#	\$	#	\$	#	\$	#	\$	#	\$	#	\$	#	\$	#	\$		
Improvement Permit / Site Evaluation (< 600 gpd & less than 4 bedrooms)	4	600	1	150	7	1,050	6	900	2	300	3	450	6	900	1	150	12	1,800	5	750	3	450	50	7,500		
Improvement Permit / Site Evaluation for each additional bedroom over 3	1	75			1	75							1	75			5	375	2	150			10	750		
Improvement Permit / Site Evaluation (> 600 & < 3000 gpd)																										
Improvement Permit / Site Evaluation (> 3000 gpd)																										
New Construction Authorization & Operating Permit (Type I & II)	2	300	3	450	3	450	9	1,350	3	450	7	1,050	3	450	2	300	3	450	2	300			37	5,550		
New Construction Authorization & Operating Permit (Type III)											2	400					1	200					1	200	4	800
New Construction Authorization & Operating Permit (Type IV)																										
New Construction Authorization & Operating Permit (Type V)																										
Expansion or Repair of OSWW Treatment System (< 600 gpd)	1	50	4	200	2	100							2	100	1	50	4	200	3	150	3	150	20	1,000		
Expansion or Repair of OSWW Treatment System (> 600 & < 3000 gpd)																										
Expansion or Repair of OSWW Treatment System (> 3000 gpd)																										
Inspection of Existing OSWW Treatment System (Type I & II Addition)	3	150	1	50	3	150	4	200			4	200	2	100	1	50	1	50	1	50	2	100	22	1,100		
Inspection of Existing OSWW Treatment System (Type I & II Change Out)	1	100	2	200	6	600	1	100			3	300			2	200	4	400	2	200	4	400	25	2,500		
Inspection of Existing OSWW Treatment System (5 yr Type IIIb Inspection)																										
Inspection of Existing OSWW Treatment System (3 yr Type IV Inspection)																										
Inspection of Existing OSWW Treatment System (Annual Type V Inspection)	5	1,500	6	1,800	6	1,800	7	2,100	8	2,400	7	2,100	6	1,800	1	300	4	1,200	5	1,500	3	900	58	17,400		
Well Permit																										
Well Camera Evaluation																										
Well Repair Permit	2	400	2	400	5	1,000			1	200			1	200	1	200							1	200	3	600
Bacteria Water Sample																										
Chemical Water Sample																										
Petroleum Water Sample	1	50			1	50			1	50	1	50					2	100					1	50	7	350
Pesticides Water Sample																										
Nitrate/Nitrite Sample																										
Water Sample Revisit																										
Swimming Pool Annual Permit																										
Swimming Pool Plan Review																										
Restaurant Plan Review	1	200																								
Tattoo Artist Permit Annual Fee																										
Five Sample Package	1	170	1	170																						
Water Sample Revisit-additional test																										
Bed Check																										
Temporary Food Stand	1	75			1	75																				
Additional Charge (100.00)																										
Additional Charge (50.00)																										
	23	3,670	21	3,470	38	5,500	29	5,050	19	3,900	27	4,550	25	3,995	12	1,520	38	5,025	24	3,470	22	3,100	278	43,250		

**ENVIRONMENTAL HEALTH MONTHLY STATISTICAL REPORT
MAY 2014**

ACTIVITY DESCRIPTION	#	COMMENTS
FOOD, LODGING, AND INSTITUTIONAL		
Field Visits	34	
Inspections	15	
Permits Issued-New or Revised Business		
Permits Suspended/Revoked-Business Closed		
Food Service Plan Review	2	
Consultation Contacts	17	
Complaints		
ON SITE WASTE WATER PROGRAM		
Field Visits	75	
Soil/Site Evaluations	12	2 Pit evaluations
Improvement Permits	6	
Construction Authorizations	5	
Operation Permits	15	
Denials	2	
Failing System Evaluations	3	
IP, CA, & OP Permits-Repairs	5	
Existing System Inspections/Authorizations	11	
OSWW Violations Notices		
Consultation Contacts	44	
Migrant Housing Inspections	2	
Pending Applications-Not Addressed		
Complaints	3	
WATER SAMPLES		
Field Visits	16	
Bacteria Samples	15	
Chemical Samples	2	
Petroleum Samples	2	
Pesticide Samples	2	
Nitrate/Nitrite Samples	2	
Consultation Contacts	29	
Migrant Housing Inspections	2	
WELL PERMITS		
Well Site Field Visits	15	
Number of Permits (New)	6	
Number of Permits(Repair)	2	
Grout Inspections	6	
Well Head Inspections	7	
Well Abandonment Inspections	1	
Bore Hole Camera Inspections	2	
Consultation Contacts	25	
Complaints		
SWIMMING POOLS		
Permits/Inspections	2	Opening permits and inspection
OTHER		
Clerical Time (hours)	46	
Phone Contacts (Documented)	225	Office contacts (48)

Caswell County Health Department Clinic Counts By Zip Code And Month

Area	Zip	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan '14	Feb	Mar	Apr	May	Total	%
Alamance	27201								1					2	0.01%
Ashboro	27203													3	0.02%
Ashboro	27204													1	0.01%
Ashboro	27205													1	0.01%
Blanch	27212	27	22	23	30	37	32	23	32	21	24	28	22	675	4.85%
Bonlee	27213				1									1	0.01%
Brown Summit	27214								2					5	0.04%
Burlington	27215	2	1	1	2		1	1			1	2	2	42	0.30%
Burlington	27216	1												3	0.02%
Anderson	27217	20	29	22	22	30	24	17	23	23	20	20	21	553	3.97%
Bynum	27228			1										1	0.01%
Cedar Falls	27230							1						2	0.01%
Cedar Grove	27231													2	0.01%
Denton	27239						1							2	0.01%
Eagle Springs	27242							1						4	0.03%
Elon	27244	11	20	18	11	14	10	6	6	8	13	13	10	371	2.67%
Ether	27247			1										1	0.01%
Gibsonville	27249	8	13	5	13	15	9	6	19	5	21	15	16	362	2.60%
Graham	27253		1		1				2		1	2	2	18	0.13%
Haw River	27258											1		2	0.01%
Hillsborough	27278													1	0.01%
Eden	27288					1	1			2				5	0.04%
Leasburg	27291	14	21	23	27	32	14	13	24	14	14	20	12	499	3.59%
Lexington	27292											1		1	0.01%
Linwood, NC	27299													2	0.01%
McLeansville	27301			2			2			1				5	0.04%
Mebane	27302	17	10	10	17	12	7	11	13	7	8	15	11	278	2.00%
Milton	27305	30	29	35	57	44	37	39	40	27	41	35	43	1056	7.59%
Mt. Gilead	27306				1									1	0.01%
Oak Ridge	27310													1	0.01%
Pelham	27311	59	75	71	64	76	76	77	72	70	66	67	86	2031	14.59%
Pittsboro	27312			1					1			1		6	0.04%
Prospect Hill	27314	2	11	6	7	3	2	7	7	7	7	4	4	172	1.24%
Providence	27315	38	46	40	31	55	43	38	51	29	40	31	46	1048	7.53%
Randleman	27317													3	0.02%
Reldsville	27320	27	28	40	26	33	21	30	29	24	35	27	31	813	5.84%
Robbins	27325													1	0.01%
Ruffin	27326	20	26	22	23	24	26	14	27	21	20	22	22	609	4.38%
Sedalia	27342							2						3	0.02%
Semora	27343	5	9	13	12	12	8	8	6	7	2	3	6	204	1.47%
Snow Camp	27349							1						5	0.04%
Summerfield	27358													1	0.01%
Thomasville	27360											1		1	0.01%
Trinity	27370												1	1	0.01%
Welcome	27374	1								1			2	5	0.04%
Wentworth	27375			1				1						2	0.01%
Whitsett	27377					1								2	0.01%
Yanceyville	27379	171	165	189	196	214	142	139	182	131	199	194	166	4766	34.24%
Greensboro	27401													1	0.01%
Greensboro	27403	2	1	1	1		1	1	1					11	0.08%
Greensboro	27405						2							5	0.04%
Greensboro	27406			1							1			4	0.03%
Greensboro	27407	1				3			1					11	0.08%
Greensboro	27410								1					1	0.01%
Greensboro	27455					1					1			6	0.04%
Chapel Hill	27514					1			1					2	0.01%
Chapel Hill	27516									1				1	0.01%
Hurdle Mills	27541										1			1	0.01%
Rougemont	27572													1	0.01%
Roxboro	27573		2		2	1								17	0.12%
Roxboro	27574	2		1		2		1	1			2	2	16	0.11%
Raleigh	27616									1		2		3	0.02%
Raleigh	27620		2											3	0.02%
Durham	27711	1												1	0.01%
Durham	27712													3	0.02%
Camden	27921													1	0.01%
Shelby	28152													1	0.01%
Out Of State	****	6	11	9	5	11	6	5	5	8	7	2	9	204	1.47%
Unknown		1	1		4	3		2	7	6	4		7	53	0.38%
Total		466	523	536	553	625	465	444	554	414	524	510	521	13,919	100.00%

92% Of Visits Come From The 11 Caswell County Zip Codes That Are Highlighted Above

Caswell County Health Dept Clinic Counts By Program And Month

Area	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan '14	Feb	Mar	Apr	May	Total	%
AH	90	85	85	90	133	78	72	85	61	93	80	114	2512	18%
CH	50	56	85	89	85	59	56	81	43	63	42	43	1592	11%
FP	64	56	44	47	57	60	48	60	37	47	61	55	1441	10%
MH	47	61	50	50	69	44	48	51	40	41	48	35	1157	8%
PPC	41	40	46	62	63	56	55	69	34	69	72	57	1607	12%
STI	31	30	28	40	30	32	22	26	30	30	26	32	770	6%
TB	3	5	12	4	13	4	1	11	18	27	24	16	554	4%
WIC	137	183	168	137	159	127	132	156	137	134	144	142	4000	29%
Unknown	4	7	18	34	15	8	16	15	11	22	12	27	250	2%
Total Visits	467	523	536	553	624	468	450	554	411	526	509	521	13,883	

