Responses to October 21, 2011 Inquiry from Bob Stagg to Demetric Potts

*Scott W. Warren*

*Wake County Attorney*

1. Yes.
2. Simple majority would apply to the Commission as well as its committees. I cannot think of any matter that would come before the FC requiring more than a simple majority, but it is a term of art to cover a unique circumstance if needed. A Board of Adjustment, for example, must approve a special use permit by a 4/5ths vote. Sometimes a federal or state grant might require more than a simple majority. Nothing to be concerned with in my opinion.
3. Attached is a copy of the BOC attendance policy. It does not differentiate between excused and unexcused absences are there are a lot of good reasons for that. The term “inexcusable meeting” should be changed and the rules written to conform to BOC policy. If the FC meets once a month, then a maximum of 3 absences is the same as the BOC 75% guideline.
4. Not sure about (a). The Rules should be amended to clarify what this means. As to (b), it is again not clear to me. I think it means that you would have a regular member and an alternate member for voting purposes, and then a regional non voting member. Always good to rewrite a rule if it is not easily understood.
5. A Fire Commission can go into closed session like any other public body, and just like the BOC. A copy of NCGS 143-318.11 is attached.
6. I do not know the history of this rule or how it has been applied. This rule of course can be clarified or amended if that is the desire of the FC.