



Board of Commissioners Policy

Town Boards/Committees

(Original Adoption Date: October 3, 2012)
(Re-adopted: February 5, 2014)
(Re-adopted: August 5, 2015)
(Amendment: April 6, 2016)

1. Scope

PURPOSE:

To establish policy and procedure whereby the Nags Head governing board will make appointments to Nags Head public advisory boards, committees, commissions, councils, panels, etc. (hereinafter referred to as "Town boards/committees") to represent the diversity of Nags Head.

The Nags Head governing board may appoint a Town board/committee whose duty is to serve in an advisory capacity to them concerning issues of interest.

AUTHORITY:

The Nags Head governing board may establish rules and regulations in reference to managing the interest and business of the Town. For statutory boards, authority may include reference to applicable General Statutes.

The Town governing board has the responsibility to appoint citizens to serve as members of Town boards/committees established by the governing board. The Town governing board may delegate to an individual or group its authority to create or make appointments to committees.

Town department heads and staff are responsible for providing support to the Town boards/committees.

POLICY:

This policy establishes the parameters for appointments to state-mandated, regional, and/or Town-developed boards/committees to include the Town governing board for the purpose of filling a vacancy on its own Board.

PERIODIC REVIEW:

Periodic review of this policy will be conducted every two (2) years by the Nags Head governing board.

2. Duties

The following Town boards/committees advise the governing board as follows:

Planning Board - Reviews, gathers information and makes recommendations to governing board on site plans, conditional use applications, vested right applications, and proposed amendments to Town Code Chapter 48 Zoning. The duties are of an advisory nature to assist the governing board in making their determinations.

Dangerous Animal Appeal Board - Provides recommendations to governing board pertaining to dangerous animals.

Personnel Grievance Panel - Provides review/recommendation re: employee disciplinary action to Town Manager.

Board of Adjustment - Addresses questions arising in connection with the enforcement of Town Code Chapter 48 Zoning on appeal from a decision of the zoning administrator.

The Town board/committee, through its membership and sub-committees, maintains continual contact with representative professional groups, stakeholder groups, and industry organizations as appropriate. In this manner, the Town board/committee is kept apprised of current information related to all matters under the jurisdiction of the Town of Nags Head.

All actions of Town boards/committees (except for the Personnel Grievance Panel) shall be transmitted in writing, on a regular basis, to the Town governing board.

Information pertaining to special committees that are appointed by the governing board may be found in paragraph #7 Governing Board Special Committees.

3. Membership

For purposes of consistency, all appointments to a Town board/committee will be made by the governing board. In order to qualify for an appointment to the Town board/standing committee, a nominee must meet the following requirements:

- a. All nominees must meet the qualifications for the specific board/committee or the statutory requirements for an appointed position.
- b. All nominees must be eighteen (18) years of age or older unless applying under a youth-designated position.
- c. All nominees shall be permanent residents of the Town and shall adhere to State Ethics Policy and shall not have been convicted of a felony crime, unless they have had their rights to citizenship restored.

- d. No nominee, nor any members of the nominee's immediate family, shall be currently employed by the Town - unless the board/committee position is designated as such.
- e. Each nominee must be prepared and committed to participating in Nags Head board/committee work in a manner that enhances relationships between the Town and the community.
- f. Town of Nags Head board/committee members serve the people of the Town of Nags Head. As such, their role includes their commitment for full participation in the board/committee's meetings and activities.

EXCEPTIONS:

The Town governing board may waive requirements, with the exception of statutory requirements.

COMPOSITION:

- a. The Town governing board shall appoint all members to its boards/committees. The members shall reflect the cultural and ethnic diversity of the community.
- b. Town boards/committees shall be composed of the following voting members:
Board of Adjustment- Five (5) with four (4) alternates
Planning Board - Seven (7)
Dangerous Animal Appeal Board- Five (5)
Personnel Grievance Panel – Five (5) - Three (3) with three (3) alternates
(Two other members are Town employees chosen by lottery at time of grievance)
- c. All members appointed by the Town governing board shall represent the diversity of Nags Head.

SELECTION CRITERIA:

Appointed members shall be appointed from nominees whose applications were submitted to the Town Clerk at least 15 days prior to appointment.

APPOINTMENT:

- a. All board/committee members serve at the pleasure of the governing board.
- b. Appointments to boards/committees will be initiated with a public application process.
- c. All appointments to boards/committees will be made by the governing board.
- d. No person appointed to a board/committee shall serve on more than two (2) boards concurrent not including ad hoc committees. *(Apr 6, 2016 amendment)*
- e. Extension of a member's term may be approved by the governing board if it is determined that it is in the best interest of the Town to allow an individual to continue to serve.

TERMS:

- a. Each appointed board/committee member shall serve a term of three (3) years and hold office until the qualification and appointment of his or her successor or until one (1) year has elapsed since the expiration of the term for which the citizen was appointed, whichever occurs first.
- b. In order to establish staggered terms, one-third of the original voting members of the board/ committee shall be appointed as follows: three for a one-year term, three for a two-year term, and three for a three-year term. Thereafter, each new voting member shall serve for a three (3) year term.
- c. Board/committee members whose terms are due to expire may request or be asked to accept reappointment to the position.

RESIGNATION:

- a. A member of a board/committee shall submit his or her resignation in writing to the chair of the committee on which he or she serves, noting the effective date of the resignation.
- b. The chair will forward a copy of the resignation to the Town Clerk who will forward to the governing board and to the department head.
- c. An announcement of the open seat will be made at the time the resignation becomes effective.

VACANCIES:

Upon expiration of a board/committee member's term, or should a vacancy otherwise occur, the Nags Head Board of Commissioners shall have the responsibility of selecting and appointing new members to the board/committee.

REMOVAL:

Members of Town of Nags Head boards/committees are expected to exhibit the highest ethical and professional standards. The Town governing board or designee may remove a member upon a majority vote of the Town governing board with the exception of the BOA for which removal is only allowed, per Town Code Sec. 48-591, by the governing board upon written charges and after public hearing.

ABSENCES:

Member absences are limited to two consecutive regularly scheduled meetings, unless excused by the chair – or three total unexcused meetings per year. The Town governing board may remove any member of any Town-established board/committee if absent three consecutive meetings.

RELEASE FROM SERVICE:

- a. When it is deemed necessary to release a member from his or her term of appointment on a board/committee, the affected individual shall be notified by letter.

- b. When a board/committee has completed its function, the members shall be informed of the termination of the committee by letter or e-mail from the Town governing board and/or the responsible department.

4. Roles and Responsibilities

MEMBERS:

- a. Members shall attend meetings of the Town board/committee, serve on sub-committees, and perform other functions as assigned by the board/committee chair. For quorum considerations, if a member is unable to attend board/committee meetings, the member shall contact the chair or designated staff as soon as possible.
- b. Upon review of the above matters, the Town board/committee shall address recommendations and concerns, if any, to the governing board in writing.

GOVERNING BOARD:

The Town governing board will consider the board/committee's recommendations or concerns.

CHAIR AND VICE CHAIR SELECTION AND RESPONSIBILITIES:

The chair/vice-chair of the Town board/committee is elected by the members of the board/committee except for the Board of Adjustment Chair/Vice Chair who are appointed by the governing board.

The chair and the vice chair shall assume office immediately upon election.

The board/committee chair has the following duties:

1. Calls all meetings.
2. Serves as presiding officer.
3. Assists staff in developing the meeting agenda.
4. Designates sub-committees (unless prohibited by the Town governing board).
5. Dissolves or appoints additional sub-committees (subject to board/committee approval).
6. Appoints sub-committee chairs and members.
7. Works in consultation with Town staff.
8. Carries out board/committee assignments as required by the governing board.
9. Conducts board/committee meetings and insures a report of the proceedings and resulting motions for approval at Town Board of Commissioners meetings.
10. Reviews all board/committee minutes and proposed recommendations or assigns another member of the board/committee to do so.

The board/committee vice chair has the following duty:

Presides at board/committee meetings in the absence of the chair.

CONFIDENTIALITY:

Members of the board/committee may receive information regarding personnel matters and other information of a sensitive or confidential nature. It shall be the duty and responsibility of each member to respect and maintain the confidentiality of client issues presented. Neither the board/committee nor any individual member shall disseminate confidential information received in board/committee meetings. Members are required to sign confidentiality statements and will be removed from the board/committee upon violation of the confidentiality agreement.

5. Organization

All new members shall have a training session prior to their first meeting.

6. Meetings

In accordance with the North Carolina General Statutes, all meetings are open to the public as required by the Open Meetings Act.

Unless otherwise specified, public meetings will follow the standard rules of procedure defined by the Town governing board. The members of the board/committee may adopt other rules and procedures relating to the operation of the committee as needed. Board/committee members shall determine the date, time, and place for each meeting.

- a. **Regular board/committee and sub-committee meetings:**
The meeting convenes upon call of the chair or as regularly scheduled. The meetings may be held in specified or various locations within the Town. Sub-committee meeting dates shall be set by the sub-committee chairs.
- b. **Special Meetings**
A majority of board/committee members or the chair may call special meetings at any time for any specific business. Special meetings, such as appeals, are convened at a location selected by the chair.
- c. **Meetings Held via Teleconference**
Teleconference meetings shall be held only in unusual circumstances and shall not replace regularly scheduled board/committee meetings. No regular meeting or appeal hearing shall be conducted via teleconference. Under no circumstances should a teleconference meeting exceed one hour.
- d. **Meeting Notices**
Notice of board/committee/sub-committee meetings (including appeal hearings) and agendas shall be made available to all members and interested parties, and to any person who so requests. All ad hoc committees, sub-committees, special meeting notice/agendas shall be posted on the Town's web site and advertised for interest in membership.

- e. **Agendas**
 - 1. Board/Committee chairs (and/or members) shall submit agenda items to the appropriate staff per agenda schedule.
 - 2. The agenda must provide a description of each item of business to be transacted or discussed so that interested members of the public will be capable of understanding the nature of each agenda item.
 - 3. As a general rule, only those items appearing on the agenda will be discussed or voted on. However, if an item is raised by a member of the public or a board/committee member, the board/committee may accept testimony and discuss the item so long as no action is taken until a subsequent meeting.
 - 4. With the chair's agreement, the designated staff will develop and distribute to each member an agenda listing with the matters to be considered at upcoming board/committee meetings. Also, so far as practicable, copies of all written reports that are to be presented are to be forwarded to the board/committee members for review prior to the meeting.
- f. **Minutes**

Minutes shall be taken of all board/committee meetings and submitted to the appropriate board/committee for review/approval. All ad hoc committees, sub-committees, special meeting minutes shall be posted on the Town's web site.
- g. All recommendations and reports of the board/committee, approved in the form of motions, shall be submitted to the Town governing board. Approved motions are forwarded to the Town governing board for consideration, approval, or denial. Outcomes are reported back to the board/committee.

7. Governing Board Special Committees

- a. Sub-committees may be formed by the board/committee to research and make recommendation on special issues or areas in order to carry out the duties of the board/committee. All sub-committees shall be reviewed on an annual basis to determine continued need and realignment with the priorities of the board/committee.
- b. Sub-committee meetings are to adhere to the Open Meetings Act to include the required public notice.
- c. Sub-committees are ad hoc and temporary in nature. Approved ad hoc sub-committees must have documented goals, deliverables, and a timeline, and the ad hoc sub-committee will cease to meet when these are satisfied. Minutes are to be posted to the Town's web site.

- d. The board/committee chair may request that the Town governing board change the structure and/or operating procedures of the board/committee if he or she deems it essential for improving the board/committee's productivity and effectiveness.
- e. Sub-committee Formation and Operation:
 - 1. Formation
A sub-committee can be formed with the approval of the board/committee chair.
 - 2. Operation
Sub-committees shall operate as specified:

A member of the sub-committee shall take responsibility for assigning a note taker and for reporting to the full board/committee the sub-committee's progress toward its stated objectives, including dissenting viewpoints.

Sub-committees may request a technical representative, to be approved by the board/committee chair and Town Manager.

Sub-committees shall operate openly as defined by state laws and local policies.

Membership on sub-committees shall be voluntary unless policy dictates otherwise.

8. Quorum

A quorum for a meeting of Town boards/committees shall consist of one more than half the voting members.

9. Voting

Decisions are reached by a simple majority vote unless otherwise required by law. All voting will be conducted in open meetings, except when in closed session as defined in the Open Meetings Law. No issues can be voted upon unless a quorum is present.

- a. Board/Committee Meetings
Only appointed members can vote at board/committee meetings. Board/committee members and others appointed by the Town governing board may vote at meetings.
- b. Voting by chairs
The chair of the board/committee may participate and vote on all issues.

- c. Proxy
Voting by proxy is not allowed.

10. Authorized Spokespersons

The board/committee chair and Town Manager are authorized spokespersons for the board/committee. Other board/committee members may speak on behalf of the board/committee only upon authorization by the chair or Town Manager.

11. Conflict of Interest

During board/committee meetings, a member shall ask to be recused from voting when he or she has a conflict of interest as defined by the Town governing board's policy.

During review proceedings, the applicant has the right to question the conflict of interest of any voting member. The board/committee chair should consult with the Town Attorney on any potential conflict in appeal matters.

12. Limitation of Powers

Compliance with statutes and ordinances:

Nothing contained in this statement of policy and procedures shall be construed to be in conflict with any state law or Town of Nags Head ordinance. Should there be an appearance of conflict, the appropriate state law or Town ordinance shall prevail.

Neither the board/committee, nor any member thereof, shall:

- a. Incur Town expense or obligate the Town in any manner.
- b. Independently investigate citizen complaints against the Town of Nags Head department or an employee of the department.
- c. Conduct any activity that might constitute or be construed as an official governmental review of departmental or employee actions.
- d. Conduct any activity that might constitute or be construed as establishment of Town or department policy.
- e. Violate the confidentiality of any information related to matters involving pending or forthcoming civil or criminal litigation.

Matters pertaining to discipline will be the sole responsibility of the Town governing board and not the board/committee. The activities of the board/committee shall, at all times, be conducted in accordance with all federal, state, and local laws.

Candidates for appointment to (Name of Board/Committee) –
Characteristics Chart

Meeting Date:

Applicant Name	Bd/Comm Interested in Serving	Age Range	Gender	Yrs of Residency	Location of Residency	Education	Role in Community	Attributes to offer Bd/Comm	Special Interest in Bd/Comm	Currently serving on Town Bd/Comm

Current Members of (Name of Board/Committee) -
Tracking Chart

Meeting Date:

<i>Name of Board/Committee</i>	<i>Current members</i>	<i>Contact Info</i>	<i>Last appointed date</i>	<i>Seat expires</i>	<i>Eligible for Re-appointment</i>	<i>Notes</i>