

Working with Citizen Advisory Boards Resources

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Participant Resources

Chatham County Resources

Chatham County Citizen Advisory Committees Policy

1. SCOPE OF POLICY

PURPOSE:

This document establishes policies and procedures for the Chatham County Board of Commissioners to make appointments to Chatham County public advisory boards, committees, commissions, and councils (hereinafter referred to as "citizen advisory committees"). It also provides operating procedures and clarifies expectations of the Board of Commissioners for all advisory committees. The intent of this policy is to provide consistency in operations, appointments, accountability and reporting.

The Chatham County Board of Commissioners may appoint a citizen advisory committee whose purpose is to serve in an advisory capacity to the Board of Commissioners (BOC) concerning a variety of topics.

This policy replaces any previously adopted bylaws for specific advisory committees, unless the bylaws are required by statute.

AUTHORITY:

The Chatham County Board of Commissioners may establish rules and regulations in reference to managing the interest and business of the County. For statutory boards or committees, authority may include reference to applicable General Statutes.

The Chatham County Board of Commissioners has the responsibility to appoint citizens to serve as members of citizen advisory committees established by the board.

PERIODIC REVIEW:

Periodic review of this policy will be conducted every two (2) years by the Chatham County Board of Commissioners.

2. MEMBERSHIP

QUALIFICATIONS:

For purposes of consistency, all appointments to citizen advisory committees will be made by the Chatham County Board of Commissioners. To qualify for an appointment to the citizen advisory committees, a person must meet the following requirements:

- a. All nominees must complete a Chatham County application form to serve on advisory committees, available on the county website and through the Director of Community Relations. s. If a deadline is advertised, submitted applications may be considered after the deadline until all vacancies are filled.
- b. All committee members must meet the qualifications for the specific citizen advisory committee and/or the statutory requirements for an appointed position.
- c. All committee members must be eighteen (18) years of age or older unless applying under a youth-designated position.
- d. All committee members shall be permanent residents of Chatham County or own real property or maintain a place of business in Chatham County and shall have good reputations for integrity and community service.
- e. No nominee may currently be a party to nor a legal representative involved in litigation against Chatham County.
- f. Each nominee must be prepared and committed to participating in CAC work in a manner that enhances relationships between Chatham County and the community.
- g. Citizen advisory committee members serve the people of Chatham County. As such, their role includes their commitment for full participation in the citizen advisory committee's meetings and activities.

- h. Specific member expertise or other qualifications for each advisory committee is provided in Addendum A.

EXCEPTIONS:

The Chatham County Board of Commissioners may waive requirements, with the exception of statutory requirements.

COMPOSITION:

- a. The Chatham County Board of Commissioners shall appoint all voting members to citizen advisory committees, unless specified otherwise by statute. The county will strive to have the voting members reflect the cultural, geographic and ethnic diversity of the community.
- b. No committee shall have less than five (5) total voting members. However, the advisory committee may have additional non-voting ex officio members.
- c. If any representative of a Chatham County department is appointed, they shall serve as a nonvoting member of the committee.

SELECTION & APPOINTMENT:

- a. All members of citizen advisory committees serve at the pleasure of the Chatham County Board of Commissioners.
- b. The Chatham County Board of Commissioners will determine if nominees meet the required qualifications. They may choose to assign an individual or group of individuals to review and recommend candidates for advisory committees.
- c. Appointments to citizen advisory boards will be initiated with the nominee's completion of Chatham County advisory committee application form. As noted above, the Chatham County Board of Commissioners may designate other groups or individuals to review applications and recommend nominees, but typically each committee has its own review process. Other entities, such as incorporated towns, also may be responsible to making nominations to some committees.
- d. The advisory committee chairs should notify the Clerk to the Board's Office and the Chair of the Board of Commissioners when a vacancy has not been filled in a timely manner.

TERMS:

- a. Each appointed citizen advisory committee member shall serve a term of three years and hold office until the qualification and appointment of his or her successor or until one year has elapsed since the expiration of the term for which the citizen was appointed, whichever first occurs. All appointments will be effective July 1.
- b. All advisory committees should have staggered terms for its membership. Once staggered terms are implemented, each new voting member shall serve for a three-year term.
- c. Citizen advisory committee members whose terms are due to expire may request or be asked to accept reappointment to the position.
- d. Extension of a member's term may be approved by the Chatham County Board of Commissioners if it is determined that it is in the best interest of Chatham County to allow an individual to continue to serve, especially for committees that require specific expertise for its members.

ATTENDANCE:

Committee members are expected to attend meetings on a regular basis. Members should inform the chair of the advisory committee as soon as possible when unable to attend an upcoming meeting, preferably at least 48 hours notice due to quorum considerations. The advisory committee should maintain attendance records, including all regular and special meetings. If a committee member has missed 25% of the advisory committee meetings during a calendar year, the committee Chair should make a recommendation to the Chair of the Board of Commissioners on continued service of the member. The member in question will provide an explanation in writing. Based on this information, the Board of Commissioners will make a decision on the member's status.

RESIGNATIONS:

- a. A member of a citizen advisory board shall submit his or her resignation in writing, letter or email, to the chair of the advisory board on which he or she serves, noting the effective date of the resignation.
- b. The Chair will forward a copy of the resignation to Clerk to the Board of Commissioners and to the Chatham County Board of Commissioners.
- c. The Chatham County Board of Commissioners shall recognize the individual's service via letter or certificate. The Clerk to the Board will handle this responsibility.

VACANCIES:

Upon expiration of the term of service of members or other type of vacancies, including resignations or removal by the Chatham County Board of Commissioners shall have the responsibility of selecting and appointing new members to the committee. The Director of Community Relations will be responsible for initiating public notices of vacancies as soon as possible, preferably before a seat becomes vacated. The urgency of filling vacancies may vary based on the circumstances.

RELEASE FROM SERVICE:

- a. When it is deemed necessary to release a member from his or her term of appointment on a citizen advisory committee, the affected individual shall be notified by letter.
- b. When a citizen advisory committee has completed its function, the members shall be informed of the termination of the citizen advisory committee by letter or e-mail from the Chatham County Board of Commissioners.

3. ROLES & RESPONSIBILITIES

MEMBERS:

- a. Members shall attend meetings of the citizen advisory committee, serve on subcommittees, and perform other functions as assigned by the citizen advisory committee chair. As noted above, for quorum considerations, if a member is unable to attend citizen advisory committee meetings, the member shall contact the committee chair as soon as possible and at least forty-eight (48) hours before the scheduled meeting.
- c. Upon review of the above matters, the citizen advisory committee shall make recommendations and identify concerns, if any, to the Chatham County Board of Commissioners in writing.

GOVERNING BOARD:

- a. The Chatham County Board of Commissioners will consider the citizen advisory committee's recommendations or concerns.
- b. Should any concerns remain unresolved after a response has been received, the Chatham County Board of Commissioners may request that the matter be referred to the County Manager.
- c. To enhance trust between the Chatham County departments and the community, members of the citizen advisory committee will:
 - If requested, assist any related Chatham County departments in achieving a greater understanding of the nature and causes of community issues, with an emphasis on improving relations between the department and the citizens.
 - Recommend methods to encourage and develop advisory committees.
 - Work throughout the community to gain relevant information about advisory committee issues and communicate these with the Chatham County Board of Commissioners and employees.

CHAIR, VICE CHAIR, AND SECRETARY SELECTION AND RESPONSIBILITIES:

The Chair and any other officers of the citizen advisory committee will be chosen by the advisory committee for a one-year term.

All advisory committee Chairs and Vice Chairs shall be appointed members with at least one year remaining of their terms.

The Chair and the Vice Chair shall assume office when the committee holds its first meeting of the calendar year. At the first citizen advisory committee meeting upon assuming office, the citizen advisory committee Chair shall present members with a copy of the citizen advisory committee's charge, scope, membership roster and a copy of this policy.

- a. The Committee Chair has the following duties as well as any other duties specified by state statute:
 - Calls all meetings.
 - Serves as presiding officer.
 - Serves as a voting member of the advisory committee
 - Assists any assigned county staff in developing the committee meeting agenda.
 - Designates and dissolves subcommittees as needed, but the formation of any new subcommittees should be reported to the County Manager and the Board of Commissioners.
 - Appoints subcommittee chairs and members.
 - Works in consultation with any assigned department head or staff liaison
 - Carries out citizen advisory committee assignments as required by the Chatham County Board of Commissioners
 - Conducts citizen advisory committee meetings and presents a report of the proceedings and resulting motions for approval by the advisory committee.
- b. The committee Vice Chair has the following duty:
 - Presides at citizen advisory committee meetings in the absence of the Chair.
- c. The committee Secretary may be a role assigned to one member or rotated among several members. The Secretary has the following duties:
 - Takes (or oversees) the taking of minutes for all committee meetings.
 - Submits minutes to the Chair (or designated person) to be distributed to committee members in advance of CAC meetings.
 - Assures that other records of the advisory committee, including attendance records, are kept as directed by the Chatham County Board of Commissioners.

Advisory committees may appoint an Executive Committee that includes the Chair and Vice Chair or other designated members, if desired.

ACCOUNTABILITY & REPORTING

Each advisory committee will establish specific goals, objectives and measures based on the advisory committee's mission and direction from the Chatham County Board of Commissioners. The proposed goals and objectives will be submitted to the Board of Commissioners for review and approval. Progress toward goals and objectives will be reported annually to the Chatham County Board of Commissioners and County Manager. The goals may include short-term and long-term steps and measures, but the intent is to identify measures of progress to report each year and/or barriers preventing the accomplishment of goals. The County Manager's Office will provide materials and/or training to assist advisory committees in developing and tracking specific goals, objectives and measures.

Each advisory committee should work with the Clerk to the Board's Office to establish a time on the agenda in January or February of each year to make an annual report to the Board of Commissioners, using the reporting template provided as Addendum B. The presentation itself should not exceed fifteen (15) minutes plus time for questions. A copy of the annual report will be provided to the Board of Commissioners to review at least seven (7) days prior to the meeting where the report will be presented.

All recommendations or reports officially approved by a vote of the committee shall be **transmitted in writing** in a timely manner to the Chatham County Manager who will forward to the Chatham County Board of Commissioners. If there are opposing perspectives to the action or recommendation of the committee, the advisory committee should provide a summary of the opposing viewpoints in its report to the Board of Commissioners.

4. ORGANIZATION

ORIENTATION AND TRAINING:

Chatham County citizen advisory committee members and assigned department staff may need periodic training on state and county goals and priorities as well as relevant statutes and policies, including open meetings, public records, conflicts of interest, and ethics.

- a. Each member shall attend an orientation presented by assigned staff liaison or the committee Chair to familiarize the citizen advisory committee members with the operation of County government, the related departments), and the rules and operating procedures of the citizen advisory committee.
- b. The orientation will be offered when convenient for new appointees, but members are expected to complete the orientation within six weeks after their appointment is effective.

5. MEETINGS

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

The members of the citizen advisory committee shall adopt rules and procedures relating to the operation of the committee, as needed. The citizen advisory committee members shall determine the date, time, and place for each meeting.

- a. Regular Citizen Advisory Committee and Subcommittee Meetings: The citizen advisory committee convenes upon call of the Chair and meets on regular basis, at least four times a year. The meetings may be held in specified or various locations within the County. Subcommittee meeting dates shall be set by the subcommittee Chairs. Advisory committees are encouraged to schedule subcommittees in conjunction with citizen advisory committee meetings, with a focus on convenience of members who must attend multiple meetings.
- b. Special Meetings: A majority of citizen advisory 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 via Teleconference: Teleconference meetings shall be held only in unusual circumstances and shall not replace regularly scheduled committee meetings. No regular meeting or appeal hearing shall be conducted via teleconference. Under no circumstances should a teleconference meeting exceed two hours. §143-318.13 says that "If a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location. A fee of up to twenty-five dollars (\$25) may be charged each such listener to defray in part the cost of providing the necessary location and equipment". This law applies to all advisory committees, subcommittees or executive committees.
- d. Emergency Meetings: A majority of citizen advisory committee members or the Chair may call a meeting in emergency circumstances by providing telephone notice to media outlets at least one hour prior to the

meeting. An emergency situation includes a disaster that severely impairs the public's health or safety. In the event telephone services are not working, notice that the meeting occurred must be given as soon as possible after the meeting.

- e. Meeting Notices: Notice of public citizen advisory committee meetings and agendas shall be made available to all members and interested parties, and to any person who so requests, at least two calendar days in advance of the meeting by email and by posting on the county website. If a staff liaison is not assigned to the committee, dates of meeting for posting on the calendar should be sent to the Chatham County Webmaster.
- f. All meetings should include a period of public input at least ten (10) minutes long. The advisory committee can adopt other rules as needed for this input period.
- g. Agendas:
 - Committee Chairs (and/or committee members) should submit agenda items to the designated person at least seven (7) calendar days prior to a scheduled meeting.
 - 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.
 - 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, the citizen advisory committee may accept testimony and discuss the item so long as no action is taken until a subsequent meeting.
 - With the Chair's agreement, any designated staff liaison will develop and distribute to each member an agenda listing the matters to be considered at upcoming citizen advisory committee meetings. Also, so far as practicable, copies of all written reports that are to be presented to the citizen advisory committee for members' review will be included in this package at least five (5) calendar days before the meeting.
 - All meeting agendas should be posted on the county website and sent out as an e-notice at least two days in advance. If no staff liaison is assigned, the committee Chair should send the agenda to the Chatham County Webmaster at least two days prior to the meeting.
- h. Minutes: The committee's Secretary or other designated person will take minutes of all citizen advisory committee meetings and approved by a vote of committee members. Once minutes are approved by the advisory committee, they should be posted on the Chatham County website on the committee's web pages. If no assigned staff liaison to handle this duty, approved minutes should be sent to the Chatham County Webmaster for posting within two weeks of approval.
- i. All recommendations and reports of the citizen advisory committee, approved in the form of motions, shall be conveyed in writing exclusively to the Chatham County Board of Commissioners for action. The chair should work with the County Manager to schedule a time on an upcoming Board of Commissioners meeting for the presentation of the recommendations or reports. Approved motions are forwarded to the Chatham County Board of Commissioners for consideration, approval, or denial. Outcomes are reported back to the citizen advisory committee.

6. SUBCOMMITTEES

Subcommittees may be formed by the citizen advisory committee to research and make recommendation on special issues or areas in order to carry out the duties of the citizen advisory committee. All subcommittees shall be reviewed on an annual basis by the advisory committees to determine continued need and realignment with the priorities of the citizen advisory committee.

- a. Except as approved by the County Manager, the majority of members of a subcommittee shall be Chatham County residents and other members should work or own a business in the county.
- b. Subcommittees are ad hoc and temporary in nature. Approved ad hoc subcommittees must have documented goals, deliverables, and a timeline, and the subcommittee will cease to meet when these are satisfied.

c. Subcommittee Formation and Operation:

- A subcommittee can be formed by the Chair of the advisory committee upon notification of the County Manager and the Chatham County Board of Commissioners.
- Subcommittees shall operate as specified:
 - A member of the subcommittee shall take responsibility for assigning a note taker and for reporting to the full citizen advisory committee the subcommittee's progress toward its stated objectives, including dissenting view points.
 - Subcommittees shall operate by majority vote.
 - Subcommittees may request a technical representative, to be approved by the Chatham County Manager and any related Department Heads.
 - The MIS Department will support necessary and reasonable accommodations for subcommittee members, such as teleconferencing for someone who cannot physically attend due to disability. To make a request for special accommodations, notify the staff liaison or County Manager.
 - Subcommittees shall operate openly as defined by state laws and local policies.
 - Membership on subcommittees shall be voluntary (unpaid) unless policy dictates otherwise.

7. QUORUM

A quorum for a meeting of citizen advisory committees shall consist of one more than half the voting members, excluding vacant voting positions and members who are disqualified from voting due to a conflict of interest.

8. 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 North Carolina Open Meeting Law. No issues can be voted upon unless a quorum is present. Unless statutes specify otherwise, the following applies:

- a. Only appointed members can vote at advisory committee meetings. Appointed members shall not delegate their vote to another member.
- b. Advisory committee members and others voting members appointed by the Chatham County Board of Commissioners may vote at citizen advisory committee meetings.
- c. Committee members holding non-voting seats will not vote in any circumstances.
- d. The Chair of the advisory committee will vote on committee issues except in cases of conflicts of interest.
- e. Voting by proxy is not allowed.
- f.. No qualified member shall abstain from voting unless there is a clear conflict of interest. The County Attorney should be consulted if there is any question about potential conflicts.

9. AUTHORIZED REPRESENTATIVE

The chairs of advisory committees are the official representative of the committees during presentations or comments at public events, including meetings or hearings of the Board of Commissioners. The chairs may designate a another committee member to fill this role if needed or also may ask the County Manager, staff liaison or a Department Head to do so.

10. CONFLICT OF INTEREST

During citizen advisory committee meetings, a member shall abstain from voting when he or she has a conflict of interest, as defined by Chatham County's Conflict of Interest Policy shown as Addendum C.

Members of the public or other committee members have the right to question the conflict of interest of any voting member. The citizen advisory committee Chair should consult with the County Attorney on any potential conflicts of interest.

11. COMPENSATION & TRAVEL

Voting members of the citizen advisory committee are not employees of Chatham County. Appointed advisory committee members shall receive no compensation or employee benefit for their services. Chatham County does not provide travel expenses without advance approval of the County Manager.

12. LIMITATION OF POWERS

Committees shall operate within the charge given by the Chatham County Board of Commissioners and in compliance with state statutes and county ordinances:

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

Neither the citizen advisory committee, nor any member thereof, shall:

- Incur County expense or obligate the County in any manner.
- Release any written or oral report of any board activity to any individual or body other than the Chatham County Board of Commissioners or the County Manager. Chatham County will issue any press releases related to any reports from the advisory committees, in consultation with the committee Chair.
- Independently investigate citizen complaints against a County department or an employee of the department.
- Conduct any activity that might constitute or be construed as an official governmental review of departmental or employee actions.
- Conduct any activity that might constitute or be construed as establishment of County or department policy.
- Violate the confidentiality of any information related to matters involving pending or forthcoming civil or criminal litigation.

Matters pertaining to discipline of advisory committee members will be the sole responsibility of the Chatham County Board of Commissioners and not the citizen advisory committee. The activities of the citizen advisory committee shall, at all times, be conducted in accordance with all federal, state, and local laws.

ADDENDUM A

CHATHAM COUNTY ADVISORY COMMITTEES

I. AFFORDABLE HOUSING ADVISORY COMMITTEE

NOTE: This advisory committee is in the process of being reformed. Its mission, meetings and membership information will be added once that has been finalized.

II. CLIMATE CHANGE ADVISORY COMMITTEE

Mission:

The purpose of the Committee will be to make recommendations to the Board of Commissioners and others regarding likely climate change impacts in Chatham County and ways to adapt to and mitigate these impacts, including: (a) reducing emissions of greenhouse gases (primarily CO₂) with related improvements in air quality, (b) promoting the use of renewable energy, (c) promoting carbon neutral/green building standards for new and existing buildings both public and private and (d) encouraging resilient conservation-oriented land uses and both residential and commercial land development standards that foster climate change mitigation and adaptation.

Initial Activities:

A key focus of the Committee will be to make recommendations to the County about ways to: (1) reduce emissions of greenhouse gases (primarily CO₂), (2) adapt to climate changes and (3) promote educational activities that support both. Initial Committee projects and activities that have been identified include:

- Study carbon-neutral policies that have been considered and/or adopted by other local jurisdictions and businesses;
- Identify the sources of energy that are now used in Chatham County;
- Make recommendations to the County regarding use of the LEED building standards;
- Make recommendations to the County regarding the sources of renewable energy that could be used to support County and other buildings;
- Make recommendations to the County regarding energy efficiency of County-owned and other buildings and vehicles;
- Make recommendations to the County regarding possible amendments to the zoning and subdivision ordinances and building codes to improve the efficiency of residential buildings and the conservation qualities of housing developments;
- Make recommendations to the County regarding ordinance and regulatory amendments to encourage maintenance of timberland generally, greater use of trees in commercial and residential developments and discouragement of deforestation practices;
- Make recommendations to foster agricultural practices that avoid unnecessary contributions to climate change;
- Make recommendations to the County regarding education of the public on issues relating to climate change.

Membership:

The Climate Change Advisory Committee will have up to 13 members, with one member each representing the towns of Siler City and Pittsboro which will determine their representatives. The Committee should consist primarily of members who are dedicated to its mission and who have

time and resources available to devote to the work and research that will be necessary to accomplish its objectives. It would be useful if Committee membership also included persons with knowledge relating to:

- Renewable energy systems
- Building efficiency
- Green building standards
- Conservation standards applicable in both residential and commercial settings
- Transportation efficiency standards and fuel options
- Forestry and agricultural practices and management
- Ecology and environmental science
- Literature relating to the science of climate change

Committee Support:

The Committee may seek either as “ex officio” members or otherwise help and advice of staff from county government and other local governments, who are knowledgeable about the matters it wishes to consider. It may also look to the local universities, community colleges and other experts for assistance.

Meetings: The committee is expected to meet monthly in the Pittsboro area.

III. ENVIRONMENTAL REVIEW ADVISORY COMMITTEE

Mission:

- Evaluates existing minimum level "triggers" for proposed developments that would require the County Board of Commissioners to have environmental impact assessments performed..
- Provides a "peer review" of any environmental impact assessments produced for the Board of Commissioners. The review reports would be provided to the Planning Board, Division of Environmental Health and the Board of Commissioners.
- Advises the Board of Commissioners on environmental policy and related county ordinances, including the Watershed Protection Ordinance.
- Conducts investigations and gathers information, as needed, to facilitate protection of the environment.
- Reviews, at its discretion or as requested by the Board of Commissioners, any required state and federal environmental permits for projects in the county.
- Partners with towns in the county and other interested governmental agencies on mutual concerns related to the environment.
- Serves as the Watershed Review Board (Chatham County Watershed Protection Ordinance, Sections 505-508); State Statutes Chapter 153A, Article 6, Section 121 and Chapter 143, Article 21)
- Closely monitors the work of the N.C. Environmental Management Commission for local impacts.

Meetings: Typically meets the second Thursday of the month at 6:30 pm

Membership: Has eleven (11) voting members, with each county commissioner having two appointments each and one appointment by the full board. Then Environmental Review Board is a technical board. Applicants should have expertise in at least one of the following areas:

- Botany

- Soil Science
- Toxicology/Air quality
- Governmental Agency (including university)
- Environmental Planning (including GIS experience; AICP preferred)
- Environmental Law/Land Use Attorney
- Water Resources/ Professional Engineer
- Biology
- Agriculture

IV. LIBRARY ADVISORY COMMITTEE

Mission: Serves as the advisory committee for the effective functioning of the library.

Meetings: Typically meets four times a year at noon with meetings rotated among the three library branches in Pittsboro, Siler City and Goldston.

Membership: Has six (6) members. Each Commissioner makes an appointment and the sixth appointment is made by the full Board of Commissioners.

V. RECREATION ADVISORY COMMITTEE

Mission: Advises the Board of Commissioners on recreation programs and county-owned recreation and park facilities.

Membership: Has ten (10) voting members. Each county commissioner has two (2) appointments to provide geographic representation.

Meetings: Typically meets 4 to 6 times a year on the third Wednesday of the month at 7 pm. Locations can vary.

VI. SOLID WASTE ADVISORY COMMITTEE

Mission:

- Serves as a liaison between Solid Waste Management Division staff and the County Board of Commissioners.
- Provides guidance to the Board of Commissioners on solid waste issues, including funding, waste reduction and recycling, short-term and long-term disposal, collection center policies, household hazardous waste, environmental education, and environmental enforcement.

Meetings: As of 7/20/15, the Board of Commissioners voted that this committee is only going to meet as needed when issues arise that require its input.

Membership: Has eight (8) voting members, with each county commissioner having one appointment each to ensure geographic representation. The other three (3) members are nominated by the towns of Goldston, Pittsboro and Siler City, but are approved by the full Board of Commissioners.

VII. TRANSPORTATION ADVISORY COMMITTEE

Mission: Identifies and studies issues and makes recommendations to the Board of Commissioners, and serve as a venue for public discourse, on transportation and related issues.

- Pursues the long-term goal to have a sustainable transportation system that offers access to various modes of transportation for people and goods.

Meetings: Typically meets bimonthly on the fourth Tuesday of the month at 6:00 pm.

Membership: Has a total of eleven (11) voting members and up to eight (8) non-voting members. Each commissioner appoints two (2) voting members from a list of recommended candidates to ensure geographic representation. The non-voting members (up to eight) may represent Chatham County government, Chatham Transit Network, incorporated towns in the county or other appropriate organizations. The voting members also should have knowledge or experience in one or more of the following:

- Non-motorized transportation, such as bicycling and walking
- Public transportation, such as transit systems
- Personal motor vehicles, such as cars and motorcycles
- Large, slow-moving or commercial vehicles, including agricultural and commercial product transport
- Public safety, including emergency responders and law enforcement
- Transportation & the economy
- Transportation & the environment
- Transportation & society (community)

ADDENDUM B

Guidelines & Form for Advisory Committees to Make Annual Report to Board of Commissioners

- I. Schedule your annual report with the Clerk to the Board during March-May of each year.
- II. Limit your presentation to no more than **15 minutes**, but be prepared for additional time for questions from the Board of Commissioners
- III. Provide the written Summary Report (next page) to the Deputy Clerk to the Board at least two weeks prior to the date of the meeting so that it can be attached to the agenda. Attach any other handouts as needed. Graphs and charts are always helpful.
- IV. You may choose to make your presentation as a PowerPoint or talk from your Summary Report. If you provide a PowerPoint, please provide that to the Clerk to the Board along with your Summary Report.
- V. The chair of the Advisory Committee should make the report unless he/she designates someone else to do so.

ADVISORY COMMITTEE SUMMARY ANNUAL REPORT

NOTE: Attach current list of members and identify officers.

Name of Committee:		
Date of Presentation:		
Time Period Covered:		
# of Meetings Held During Period (including any special meeting or community input)		
MISSION & GOALS – Summarize concisely the committee’s mission (charge), key goals, objectives and measures below. You also may attach as a separate document, but limit to no more than one page single-spaced.		
ACCOMPLISHMENTS & ACTIVITIES – Summarize concisely below the committee’s major accomplishments and activities of the past year. This should include reports, research, projects, public input, etc. Be sure to identify how they relate to specific goals, objectives or measures. You also may attach as a separate document but limit to no more than one page single-spaced.		

BARRIERS & CHALLENGES – Identify any barriers or challenges that make it difficult for the committee to achieve goals or objectives. Limit to the space provided below.

RECOMMENDED CHANGES: Please list any recommendations to the Board of Commissioners related to the changes in the advisory committee’s membership, mission, goals, objectives or other related issues.

OTHER INFORMATION: Provide any other information or observations that the Board of Commissioners should know about. Provide in the space below.

ADDENDUM C

CHATHAM COUNTY ADVISORY COMMITTEE CONFLICT OF INTEREST POLICY

The Chatham County Board of Commissioners believes that it is imperative that public office and volunteer service on behalf of county government should NOT be used for personal gain. This is critical to building and maintaining public trust in Chatham County government.

This policy establishes the requirements of the Chatham County Board of Commissioners for its advisory committees concerning the avoidance of conflicts of interest. An individual committee may adopt specific guidelines that clarify this policy's application to the specific activities of the committee and professions represented in its membership, but these guidelines may not be in conflict with this policy.

As a minimum, advisory committee members should adhere to the following standards:

Any member who has an interest in any act or action coming before the advisory committee of which he/she is a member shall publicly disclose his or her interest and shall completely withdraw from any discussion or consideration of said act or action. For this policy, "interest" means direct or indirect financial or material benefit that might accrue to the member as a result of the act or action.

Furthermore, this policy applies when the discussion of consideration of acts or actions could provide a direct or indirect financial or material benefit to:

- a) The member's immediate family (spouse, parents, children, grandchildren, aunt, uncle, nieces, nephews, etc.);*
- b) Any business entity or other organization in which the member is an officer or board member; and*
- c) Any business entity in which member has control or ownership of at least five percent of the stock or legal or beneficial ownership of the entity.*

Whenever an advisory committee member has any doubt about as to the applicability of this policy in a specific situation, he or she should seek the advice of the Chatham County Attorney.

Any advisory committee member violating this policy shall be subject to removal from the advisory committee by the Chatham County Board of Commissioners.

Sarah Terwilliger Resources

Front:



Sarah Terwilliger
Deputy City Clerk
Boards and Commissions Manager

City of Asheville
P.O. Box 7148
Asheville, NC 28802
Office: 828.259.5839
Fax: 828.259.5499
sterwilliger@ashevillenc.gov
www.ashevillenc.gov

"our quality of service, your quality of life"

Back:

Be a Local Leader!

We are looking for dedicated citizens who are interested in getting involved and making a difference in their community by serving on a local board or commission. For more information and current vacancies, please check out:

**[www.ashevillenc.gov/Departments/
CityClerk/BoardsCommissions](http://www.ashevillenc.gov/Departments/CityClerk/BoardsCommissions)**

**Or contact me at (828) 259-5839
sterwilliger@ashevillenc.gov**

Transylvania County Resources

2017 3rd Quarter Citizen Advisory Council Report: July, August, September 2017 and Current Vacancies

Name	Board Name	Term	Start Date	End Date	Eligible?	Category	Application Deadline
Tom Tartt	BREVARD BOARD OF ADJUSTMENT & APPEAL	1	10/13/2014	9/30/2017	Yes	Member-at-Large	9/1/2017
Patrick Payne	COUNCIL ON AGING (Transylvania County)	1	10/27/2014	8/31/2017	Yes	Long Term Care Facility	n/a
Linda Fluck	COUNCIL ON AGING (Transylvania County)	6	8/12/1996	8/31/2017	Yes	TRH Home Care	n/a
Carroll Parker	COUNCIL ON AGING (Transylvania County)	1	10/26/2015	8/31/2017	Yes	Affordable Housing	n/a
Elaine Deppe	COUNCIL ON AGING (Transylvania County)	1	10/26/2015	8/31/2017	Yes	Member-at-Large	8/1/2017
Tara Rybka	COUNCIL ON AGING (Transylvania County)	1	8/25/2014	8/31/2017	Yes	Health Department	n/a
Geraldine M. Hambley	COUNCIL ON AGING (Transylvania County)	1	2/27/2012	8/31/2017	Yes	Senior Citizen	8/1/2017
Daniel "Woody" Noland	TRANSYLVANIA NATURAL RESOURCES COUNCIL	1	12/14/2015	9/30/2017	Yes	Member-at-Large	9/1/2017
Dan J Hodges	TRANSYLVANIA NATURAL RESOURCES COUNCIL	1	3/9/2015	9/30/2017	Yes	Member-at-Large	9/1/2017
Justin Pettit-Mee	TRANSYLVANIA NATURAL RESOURCES COUNCIL	1	10/14/2013	9/30/2017	Yes	Member-at-Large	9/1/2017
Lee McMinn	TRANSYLVANIA NATURAL RESOURCES COUNCIL	1	3/9/2015	9/30/2017	Yes	Member-at-Large	9/1/2017
Ron Schieve	WESTERN CAROLINA COMMUNITY ACTION	1	9/13/2010	8/31/2017	Yes	Member-at-Large	8/1/2017
VACANCIES							
Vacant	REGIONAL COUNCIL ON AGING					Member-at-Large	5/15/2017
Vacant	REGIONAL COUNCIL ON AGING					Alternate-Sr. Tar Heel Legislature	5/15/2017
Vacant	BOARD OF HEALTH					Dentist	5/15/2017
Vacant	BOARD OF HEALTH					Optometrist	5/15/2017
Vacant	BOARD OF HEALTH					General Public	5/15/2017
Vacant	COMMUNITY CHILD PROTECTION TEAM					Transylvania Regional Hospital	n/a
Vacant	BREVARD PLANNING & ZONING BOARD					Member-at-Large	5/15/2017
Vacant	JUVENILE CRIME PREVENTION COUNCIL					Student	n/a
Vacant	JUVENILE CRIME PREVENTION COUNCIL					Chief of Police or Designee	n/a
Vacant	JUVENILE CRIME PREVENTION COUNCIL					Student	n/a
Vacant	CHILD FATALITY PREVENTION TEAM					Parent of child who died before reaching age of 18	n/a
Vacant	CHILD FATALITY PREVENTION TEAM					Transylvania Regional Hospital	n/a
Vacant	COUNCIL ON AGING (Transylvania County)					Minority-Low Income	5/15/2017
Vacant	COUNCIL ON AGING (Transylvania County)					Senior Citizen	5/15/2017
Vacant	COUNCIL ON AGING (Transylvania County)					Senior Citizen	5/15/2017
Vacant	JOINT HISTORIC PRESERVATION COMMISSION					Member-at-Large	5/15/2017
Vacant	PARKS AND RECREATION COMMISSION					Member-at-Large	5/15/2017
Vacant	BOARD OF ADJUSTMENT (PLANNING BOARD)					Alternate	n/a
Vacant	BOARD OF ADJUSTMENT (PLANNING BOARD)					Alternate-Resident of Rezoned District	n/a

January 2017- 1st Quarter

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 New Year's day	2 2 nd Qtr Report to BOC 2 nd Qtr Ad	3	4	5	6	7
8	9	10	11	12 Jan rec due	13	14
15	16 M L King Day Check Feb apps eligibility & FW to chair & fac	17 Jan rec due to BOC	18	19	20	21
22	23 BOC Meeting	24	25	26	27	28
29	30	31 Bd of E&R, Planning Bd terms expire				

Jan – Board of Equalization & Review; Planning Board
 Feb – Personnel Board
 March - n/a

February 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9 Feb rec due	10	11
12	13 BOC Meeting	14 Valentine's Day Feb rec due to BOC	15	16	17	18
19	20 Presidents' Day	21	22	23	24	25
26	27 BOC Meeting	28 Personnel Bd terms expire				

March 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14 BOC Meeting	15	16	17 Check Apr apps eligibility & FW to chair & fac	18
19	20	21	22	23	24	25
26	27 BOC Meeting	28	29	30	31	

April 2017 – 2nd Quarter

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 3rd Qtr Report to BOC 3rd Qtr ad	4	5	6	7	8
9	10	11 BOC Meeting	12 April rec due	13	14 Good Friday	15
16 Easter Sunday	17 April rec to BOC Check May apps eligibility & FW to chair & fac	18	19	20	21	22
23	24 BOC Meeting	25	26	27	28	29
30 Ag Adv Bd terms expire						

April-Agricultural Advisory Board; May-Joint Historic Preservation Commission, Transportation Advisory Committee, Workforce Development Board; June-Blue Ridge Community College Board of Trustees, Child Fatality Prevention/Community Child Protection Teams, Jury Commission, Juvenile Crime Prevention Council, Library Board of Trustees, Nursing & Adult Care Home Advisory Committee, Parks and Recreation Commission, Regional Council on Aging, Social Services Board

May 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9 BOC Meeting	10	11	12 May rec due	13
14 Mother's Day	15	16	17 May rec due to BOC Check June apps eligibility & FW to chair & fac	18	19	20
21	22 BOC Meeting	23	24	25	26	27
28	29 Memorial Day	30	31 JHPC, TAC, WFDB terms end			

June 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9 June rec due	10
11	12	13 BOC Meeting	14	15	16 June rec to BOC Check July apps eligibility & FW to chair & fac	17
18 Father's Day	19	20	21	22	23	24
25	26 BOC Meeting	27	28	29	30 BRCC, CFPT, CCPT, JC, JCPC, LBT, NACH, PRC, RCOA, SSB terms expire	

July 2017 – 3rd Quarter

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 4 th Qtr report to BOC 4 th Qtr ad	4 Independence Day	5	6	7	8
9	10	11 BOC Meeting	12 July rec due	13	14	15
16	17 July rec due to BOC Check Aug apps eligibility & FW to chair & fac	18	19	20	21	22
23	24 BOC Meeting	25	26	27	28	29
30	31 BOA terms expire					

August 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11 Aug rec due	12
13	14	15 BOC Meeting (usually cancelled)	16	17 Aug rec due to BOC Check Sept apps eligibility & FW to chair & fac	18	19
20	21	22	23	24	25	26
27	28 BOC Meeting	29	30	31 COA, WCCA terms expire		

September 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 Labor Day	5	6	7	8 Sept rec due	9
10	11	12 BOC Meeting	13	14	15 Sept rec due to BOC	16
17	18	19	20	21	22	23
24	25 BOC Meeting	26	27	28	29	30 ACB, BB&A, TNRC terms expire

October 2017 – 4th Quarter

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 1 st Qtr report to BOC 1 st Qtr ad	3	4	5	6	7
8	9 Columbus Day	10 BOC Meeting	11	12	13	14
15	16	17	18	19	20	21
22	23 BOC Meeting	24	25	26	27	28
29	30	31 Halloween				

Oct-n/a

Nov-n/a

Dec-Board of Health, Brevard Planning & Zoning, Tourism Development Authority

2017 Calendar Template © calendarlabs.com

November 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11 Veterans Day
12	13	14 BOC Meeting	15	16 Check Dec apps eligibility & FW to chair & fac	17	18
19	20	21 Dec rec due	22	23 Thanksgiving Day	24	25
26	27 BOC Meeting Dec rec due to BOC	28	29	30		

December 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12 BOC Meeting (Dec CAC appts on agenda for 1 st BOC meeting in Dec)	13	14	15	16
17	18 Check Jan apps for eligibility & FW to chair & fac	19	20	21	22	23
24	25 Christmas	26 Christmas Holiday	27 Christmas Holiday	28 BOC Meeting (usually cancelled)	29	30
31 BOH, BPZ, TDA terms expire						

BOARD OF COMMISSIONERS
Larry Chapman, Chair
Page Lemel, Vice-Chair
Jason Chappell
Mike Hawkins
Kelvin Phillips



COUNTY MANAGER
Jaime Laughter
828-884-3100
Fax 828-884-3119

**101 South Broad Street
Brevard, NC 28712**

The Transylvania County Board of Commissioners is seeking applications from interested persons for the following citizen advisory councils:

Citizen Advisory Council	Opening/Vacancy	Application Deadline
Board of Health	3 vacancies: Dentist, Member of General Public, Optometrist	5/15/2017
Brevard Board of Adjustment & Appeal	1 potential opening in September; must reside in City's ETJ	9/1/2017
Brevard Planning and Zoning Board	1 vacancy; must reside in City's ETJ	5/15/2017
County Council on Aging	2 potential openings in August (member-at-large and senior citizen)	8/1/2017
	3 vacancies; (2 senior citizens and 1 minority representative)	5/15/2017
Joint Historic Preservation Commission	1 vacancy	5/15/2017
Parks and Recreation Commission	1 vacancy	5/15/2017
Regional Council on Aging	2 vacancies	5/15/2017
Transylvania Natural Resources Council	4 potential openings in September	9/1/2017
Western Carolina Community Action Board of Directors	1 potential opening in August	8/1/2017

This the 17th day of April, 2017.

Please note the various application deadlines for each citizen advisory council; however, applications will be accepted anytime and will be kept on file for a period of 2 years. All applicants must be residents of Transylvania County. For more information on these and other citizen advisory councils and for an application, visit the Transylvania County website at www.transylvaniacounty.org and click on the Citizen Advisory Councils tab. Contact Clerk to the Board Trisha Hogan at trisha.hogan@transylvaniacounty.org or (828) 884-3271 with any questions.

The Transylvania Times: Please publish as a block ad in the Thursday, April 20, 2017 and Monday, April 24, 2017 editions. Charge to PO # 34188.

Distribution: Members, Board of Commissioners; County Manager; Media; Sunshine List; County Website; File

**TRANSYLVANIA COUNTY, NC
APPLICATION TO SERVE ON
COUNTY COMMITTEE, BOARD OR COMMISSION**

The Transylvania Board of County Commissioners wants to ensure that their appointments to Transylvania County committees, boards and commissions will best serve the public interest of the County as well as be representative of a broad cross-section of the community. We ask you to provide us with the information below that will best assist us in evaluating your application.

Note: When submitted all information on this form becomes public record.

NAME: _____ **DATE:** _____

PHYSICAL ADDRESS: _____

MAILING ADDRESS: _____

TELEPHONE: _____ **EMAIL:** _____

PLACE OF EMPLOYMENT: _____

COUNTY RESIDENT: Y N

A resident is defined as someone who lives in Transylvania County the majority of the year and claims Transylvania County as their domicile for legal purposes.

NAME OF BOARD APPLYING FOR: (You can apply for a maximum of 2 boards. Please list in order of preference. Listing of boards can be found at <https://transylvaniacounty.granicus.com/boards/w/53a6c8d651f28a8c>.

PREVIOUS BOARD AND/OR LEADERSHIP EXPERIENCE (INCLUDE ANY COUNTY, CITY, NON-PROFIT OR EMPLOYMENT RELATED LEADERSHIP POSITIONS OR BOARDS YOU HAVE SERVED ON AS A MEMBER OR CHAIR) _____

COMMUNITY INVOLVEMENT: _____

WHAT EXPERIENCE, TRAINING OR QUALIFICATIONS DO YOU HAVE THAT WOULD BE HELPFUL SERVING ON THIS BOARD?

WHY DO YOU WANT TO BE A MEMBER OF THIS BOARD AND HOW DO YOU FEEL YOU COULD CONTRIBUTE TO THE OVERALL BOARD?

WHAT COMMUNITY TOPICS CONCERN YOU THAT RELATE TO THIS BOARD?

BOARDS MAY MEET IN THE MORNING, AFTERNOON OR EVENING HOURS. WHAT LIMITATIONS DO YOU HAVE FOR ATTENDING MEETINGS?

HOW DID YOU FIND OUT ABOUT THIS BOARD? (PLEASE CIRCLE ONE)

NEWSPAPER, EMAIL, FRIEND, TV, INTERNET, CURRENT MEMBER, BROCHURE,
POSTER, RADIO, SPEAKER AT EVENT, OTHER

SIGNATURE_____ **DATE**_____

Note: When submitted all information on this form becomes public record.

Approved by BOC 1/12/2015

Part 5. County Care of Rural Cemeteries.

§ 65-111. County commissioners to provide list of public and abandoned cemeteries.

Each board of county commissioners shall have the following duties and responsibilities:

- (1) To prepare and keep on record in the office of the register of deeds a list of all public cemeteries in the county outside the limits of incorporated municipalities, and not established and maintained for the use of an incorporated municipality, including the names and addresses of the persons in possession and control of those public cemeteries.
- (2) To prepare and keep on record in the office of the register of deeds a list of all abandoned public cemeteries.
- (3) To furnish to the Department and the Publications Division in the Department of the Secretary of State copies of the lists of such public and abandoned cemeteries, to the end that it may furnish to the boards of county commissioners, for the use of the persons in control of such cemeteries, suitable literature, suggesting methods of taking care of such places. (1917, c. 101, s. 1; C.S., s. 5019; 1939, c. 316; 2007-118, s. 1.)

§ 65-112. Appropriations by county commissioners.

To encourage the persons in possession and control of the public cemeteries referred to in G.S. 65-111 to take proper care of and to beautify such cemeteries, to mark distinctly their boundary lines with evergreen hedges or rows of suitable trees, and otherwise to lay out the grounds in an orderly manner, the board of county commissioners of any county, upon being notified that two-thirds of the expense necessary for so marking and beautifying any cemetery has been raised by the local governing body of the institution which owns the cemetery, and is actually in hand, is hereby authorized to appropriate from the general fund of the county one-third of the expense necessary to pay for such work, the amount appropriated by the board of commissioners in no case to exceed fifty dollars (\$50.00) for each cemetery. (1917, c. 101, s. 2; C.S., s. 5020; 1979, c. 735; 2007-118, s. 1.)

§ 65-113. County commissioners to have control of abandoned public cemeteries; trustees.

The county commissioners of the various counties are authorized to oversee all abandoned public cemeteries in their respective counties, to see that the boundaries and lines are clearly laid out, defined, and marked, and to take proper steps to preserve them from encroachment, and they are hereby authorized to appropriate from the general fund of the county whatever sums may be necessary from time to time for the above purposes.

The boards of county commissioners of the various counties may appoint a board of trustees not to exceed five in number and to serve at the will of the board, and may impose upon such trustees the duties required of the board of commissioners by this Article; and such trustees may accept gifts and donations for the purpose of upkeep and beautification of such cemeteries. (1917, c. 101, s. 3; C.S., s. 5021; 1947, c. 236; 2007-118, s. 1.)

§ 106-739. Agricultural advisory board.

An ordinance adopted under this Part or Part 3 of this Article shall provide for the establishment of an agricultural advisory board, organized and appointed as the county or city that adopted the ordinance shall deem appropriate. The county or city that adopted the ordinance may confer upon this advisory board authority to:

- (1) Review and make recommendations concerning the establishment and modification of agricultural districts;
- (2) Review and make recommendations concerning any ordinance or amendment adopted or proposed for adoption under this Part or Part 3 of this Article;
- (3) Hold public hearings on public projects likely to have an impact on agricultural operations, particularly if such projects involve condemnation of all or part of any qualifying farm;
- (4) Advise the governing board of the county or city that adopted the ordinance on projects, programs, or issues affecting the agricultural economy or way of life within the county;
- (5) Perform other related tasks or duties assigned by the governing board of the county or city that adopted the ordinance. (1985 (Reg. Sess., 1986), c. 1025, s. 1; 2005-390, ss. 3, 13.)

Article 2.

Local Administration.

§ 115D-12. Each institution to have board of trustees; selection of trustees.

(a) Each community college established or operated pursuant to this Chapter shall be governed by a board of trustees consisting of 13 members, or of additional members if selected according to the special procedure prescribed by the third paragraph of this subsection, who shall be selected by the following agencies. No member of the General Assembly may be appointed to a local board of trustees for a community college.

Group One - four trustees, elected by the board of education of the public school administrative unit located in the administrative area of the institution. If there are two or more public school administrative units, whether city or county units, or both, located within the administrative area, the trustees shall be elected jointly by all of the boards of education of those units, each board having one vote in the election of each trustee, except as provided in G.S. 115D-59. No board of education shall elect a member of the board of education or any person employed by the board of education to serve as a trustee, however, any such person currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's current term.

Group Two - four trustees, elected by the board of commissioners of the county in which the institution is located. Provided, however, if the administrative area of the institution is composed of two or more counties, the trustees shall be elected jointly by the boards of commissioners of all those counties, each board having one vote in the election of each trustee. Provided, also, the county commissioners of the county in which the community college has established a satellite campus may elect an additional two members if the board of trustees of the community college agrees. No more than one trustee from Group Two may be a member of a board of county commissioners. Should the boards of education or the boards of commissioners involved be unable to agree on one or more trustees the senior resident superior court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the institution is located shall fill the position or positions by appointment.

Group Three - four trustees, appointed by the Governor.

Group Four - the president of the student government or the chairman of the executive board of the student body of each community college established pursuant to this Chapter shall be an ex officio nonvoting member of the board of trustees of each said institution.

(b) All trustees shall be residents of the administrative area of the institution for which they are selected or of counties contiguous thereto with the exception of members provided for in subsection (a) of this section, Group Four.

(b1) No person who has been employed full time by the community college within the prior 5 years and no spouse or child of a person currently employed full time by the community college shall serve on the board of trustees of that college.

(c) Vacancies occurring in any group for whatever reason shall be filled for the remainder of the unexpired term by the agency or agencies authorized to select trustees of that group and in the manner in which regular selections are made. Should the selection of a trustee not be made by the agency or agencies having the authority to do so within 60 days after the date on which a vacancy occurs, whether by creation or expiration of a term or for any other reason, the Governor shall fill the vacancy by appointment for the remainder of the unexpired term. (1963, c. 448, s. 23; 1977, c. 823, s. 104; 1979, c. 462, s. 2; 1985, c. 757, s. 147; 1987, c. 564, ss. 10, 12; 1987 (Reg. Sess., 1988), c. 1037, s. 111; 1991, c. 283, s. 1; 1995, c. 470, s. 1; 2009-549, s. 19; 2013-410, s. 9.)

Article 21.

Review and Appeals of Listings and Valuations.

§ 105-322. County board of equalization and review.

(a) Personnel. - Except as otherwise provided herein, the board of equalization and review of each county shall be composed of the members of the board of county commissioners.

Upon the adoption of a resolution so providing, the board of commissioners is authorized to appoint a special board of equalization and review to carry out the duties imposed under this section. The resolution shall provide for the membership, qualifications, terms of office and the filling of vacancies on the board. The board of commissioners shall also designate the chairman of the special board. The resolution may also authorize a taxpayer to appeal a decision of the special board with respect to the listing or appraisal of his property or the property of others to the board of county commissioners. The resolution shall be adopted not later than the first Monday in March of the year for which it is to be effective and shall continue in effect until revised or rescinded. It shall be entered in the minutes of the meeting of the board of commissioners and a copy thereof shall be forwarded to the Department of Revenue within 15 days after its adoption.

Nothing in this subsection (a) shall be construed as repealing any law creating a special board of equalization and review or creating any board charged with the duties of a board of equalization and review in any county.

(b) Compensation. - The board of county commissioners shall fix the compensation and allowances to be paid members of the board of equalization and review for their services and expenses.

(c) Oath. - Each member of the board of equalization and review shall take the oath required by Article VI, § 7 of the North Carolina Constitution with the following phrase added to it: "that I will not allow my actions as a member of the board of equalization and review to be influenced by personal or political friendships or obligations,". The oath must be filed with the clerk of the board of county commissioners.

(d) Clerk and Minutes. - The assessor shall serve as clerk to the board of equalization and review, shall be present at all meetings, shall maintain accurate minutes of the actions of the board, and shall give to the board such information as he may have or can obtain with respect to the listing and valuation of taxable property in the county.

(e) Time of Meeting. - Each year the board of equalization and review shall hold its first meeting not earlier than the first Monday in April and not later than the first Monday in May. In years in which a county does not conduct a real property revaluation, the board shall complete its duties on or before the third Monday following its first meeting unless, in its opinion, a longer period of time is necessary or expedient to a proper execution of its responsibilities. Except as provided in subdivision (g)(5) of this section, the board may not sit later than July 1 except to hear and determine requests made under the provisions of subdivision (g)(2), below, when such requests are made within the time prescribed by law. In the year in which a county conducts a real property revaluation, the board shall complete its duties on or before December 1, except that it may sit after that date to hear and determine requests made under the provisions of subdivision (g)(2), below, when such requests are made within the time prescribed by law. From the time of its first meeting until its adjournment, the board shall meet at such times as it deems reasonably necessary to perform its statutory duties and to receive requests and hear the appeals of taxpayers under the provisions of subdivision (g)(2), below.

(f) Notice of Meetings and Adjournment. - A notice of the date, hours, place, and purpose of the first meeting of the board of equalization and review shall be published at least three times in some newspaper having general circulation in the county, the first publication to be at least 10 days prior to the first meeting. The notice shall also state the dates and hours on which the board will meet following its first meeting and the date on which it expects to adjourn; it shall also carry a statement

that in the event of earlier or later adjournment, notice to that effect will be published in the same newspaper. Should a notice be required on account of earlier adjournment, it shall be published at least once in the newspaper in which the first notice was published, such publication to be at least five days prior to the date fixed for adjournment. Should a notice be required on account of later adjournment, it shall be published at least once in the newspaper in which the first notice was published, such publication to be prior to the date first announced for adjournment.

(g) Powers and Duties. - The board of equalization and review has the following powers and duties:

- (1) Duty to Review Tax Lists. - The board shall examine and review the tax lists of the county for the current year to the end that all taxable property shall be listed on the abstracts and tax records of the county and appraised according to the standard required by G.S. 105-283, and the board shall correct the abstracts and tax records to conform to the provisions of this Subchapter. In carrying out its responsibilities under this subdivision (g)(1), the board, on its own motion or on sufficient cause shown by any person, shall:
 - a. List, appraise, and assess any taxable real or personal property that has been omitted from the tax lists.
 - b. Correct all errors in the names of persons and in the description of properties subject to taxation.
 - c. Increase or reduce the appraised value of any property that, in the board's opinion, has been listed and appraised at a figure that is below or above the appraisal required by G.S. 105-283; however, the board shall not change the appraised value of any real property from that at which it was appraised for the preceding year except in accordance with the terms of G.S. 105-286 and 105-287.
 - d. Cause to be done whatever else is necessary to make the lists and tax records comply with the provisions of this Subchapter.
 - e. Embody actions taken under the provisions of subdivisions (g)(1)a through (g)(1)d, above, in appropriate orders and have the orders entered in the minutes of the board.
 - f. Give written notice to the taxpayer at the taxpayer's last known address in the event the board, by appropriate order, increases the appraisal of any property or lists for taxation any property omitted from the tax lists under the provisions of this subdivision (g)(1).
- (2) Duty to Hear Taxpayer Appeals. - On request, the board of equalization and review shall hear any taxpayer who owns or controls property taxable in the county with respect to the listing or appraisal of the taxpayer's property or the property of others.
 - a. A request for a hearing under this subdivision (g)(2) shall be made in writing to or by personal appearance before the board prior to its adjournment. However, if the taxpayer requests review of a decision made by the board under the provisions of subdivision (g)(1), above, notice of which was mailed fewer than 15 days prior to the board's adjournment, the request for a hearing thereon may be made within 15 days after the notice of the board's decision was mailed.
 - b. Taxpayers may file separate or joint requests for hearings under the provisions of this subdivision (g)(2) at their election.
 - c. At a hearing under provisions of this subdivision (g)(2), the board, in addition to the powers it may exercise under the provisions of subdivision

(g)(3), below, shall hear any evidence offered by the appellant, the assessor, and other county officials that is pertinent to the decision of the appeal. Upon the request of an appellant, the board shall subpoena witnesses or documents if there is a reasonable basis for believing that the witnesses have or the documents contain information pertinent to the decision of the appeal.

d. On the basis of its decision after any hearing conducted under this subdivision (g)(2), the board shall adopt and have entered in its minutes an order reducing, increasing, or confirming the appraisal appealed or listing or removing from the tax lists the property whose omission or listing has been appealed. The board shall notify the appellant by mail as to the action taken on the taxpayer's appeal not later than 30 days after the board's adjournment.

(3) Powers in Carrying Out Duties. - In the performance of its duties under subdivisions (g)(1) and (g)(2), above, the board of equalization and review may exercise the following powers:

a. It may appoint committees composed of its own members or other persons to assist it in making investigations necessary to its work. It may also employ expert appraisers in its discretion. The expense of the employment of committees or appraisers shall be borne by the county. The board may, in its discretion, require the taxpayer to reimburse the county for the cost of any appraisal by experts demanded by the taxpayer if the appraisal does not result in material reduction of the valuation of the property appraised and if the appraisal is not subsequently reduced materially by the board or by the Department of Revenue.

b. The board, in its discretion, may examine any witnesses and documents. It may place any witnesses under oath administered by any member of the board. It may subpoena witnesses or documents on its own motion, and it must do so when a request is made under the provisions of subdivision (g)(2)c, above.

A subpoena issued by the board shall be signed by the chair of the board, directed to the witness or to the person having custody of the document, and served by an officer authorized to serve subpoenas. Any person who willfully fails to appear or to produce documents in response to a subpoena or to testify when appearing in response to a subpoena shall be guilty of a Class 1 misdemeanor.

(4) Power to Submit Reports. - Upon the completion of its other duties, the board may submit to the Department of Revenue a report outlining the quality of the reappraisal, any problems it encountered in the reappraisal process, the number of appeals submitted to the board and to the Property Tax Commission, the success rate of the appeals submitted, and the name of the firm that conducted the reappraisal. A copy of the report should be sent by the board to the firm that conducted the reappraisal.

(5) Duty to Change Abstracts and Records After Adjournment. - Following adjournment upon completion of its duties under subdivisions (g)(1) and (g)(2) of this subsection, the board may continue to meet to carry out the following duties:

a. To hear and decide all appeals relating to discovered property under G.S. 105-312(d) and (k).

- b. To hear and decide all appeals relating to the appraisal, situs, and taxability of classified motor vehicles under G.S. 105-330.2(b).
- c. To hear and decide all appeals relating to audits conducted under G.S. 105-296(j) and relating to audits conducted under G.S. 105-296(j) and (l) of property classified at present-use value and property exempted or excluded from taxation.
- d. To hear and decide all appeals relating to personal property under G.S. 105-317.1(c). (1939, c. 310, s. 1105; 1965, c. 191; 1967, c. 1196, s. 6; 1971, c. 806, s. 1; 1973, c. 476, s. 193; 1977, c. 863; 1987, c. 45, s. 1; 1989, c. 79, s. 3; c. 176, s. 1; c. 196; 1991, c. 110, s. 5; 1991 (Reg. Sess., 1992), c. 1007, s. 22; 1993, c. 539, s. 720; 1994, Ex. Sess., c. 24, s. 14(c); 2001-139, ss. 6, 7; 2002-156, s. 3.)

RESOLUTION 38-04

**A RESOLUTION TO ESTABLISH A SPECIAL BOARD OF EQUALIZATION AND REVIEW
FOR TRANSYLVANIA COUNTY**

The Transylvania County Board of Commissioners, meeting in regular session on December 13, 2004, does hereby resolve as follows:

WHEREAS, it will be advantageous to the best interests of Transylvania County that a Special Board of Equalization and Review be established for Transylvania County to discharge all powers and duties of a Board of Equalization and Review as presently performed by the Board of County Commissioners under Article 21, Chapter 105, Section 322;

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby establishes:

THE TRANSYLVANIA COUNTY SPECIAL BOARD OF EQUALIZATION AND REVIEW, hereinafter referred to as the Board of E & R, and ordains that it be governed by the following provisions:

SECTION I. MEMBERSHIP, VACANCIES AND TERM OF OFFICE

The Board of E & R shall consist of five (5) members, each member having (1) one vote. The members shall be appointed by the County Commissioners and will serve at the pleasure of the Commissioners. The Board of Commissioners shall name the chairman of the Board of E & R and shall fill vacancies as they occur. Term of office shall commence with the member taking the required oath of office. The Board of E & R may call upon all Transylvania County governmental departments in carrying out its duties and powers.

All persons appointed to the Board of E & R must have resided in Transylvania County for a period of one (1) year immediately preceding this appointment, be a registered voter, have general knowledge of real estate, and own real property in Transylvania County. Members shall receive compensation of \$15.00 per hour for attendance per official session. An official session consists of any meeting necessary to carry out the duties and responsibilities of the Board of E & R in which a quorum of three (3) members is present.

SECTION II. ORGANIZATION, RULES, MEETINGS, AND RECORDS

The Board of E & R shall adopt rules of conduct. The Board of E & R will keep a record of its members' attendance, individual taxpayers, partnerships or corporations appearing before the Board of E & R, and the findings of the Board of E & R on each issue. The Board of E & R shall hold its first meeting not earlier than the first Monday in April and not later than the first Monday in May. The Board of E & R shall complete its duties on or before the third Monday following its first meeting unless in its opinion a longer period of time is necessary or expedient to a proper execution of its responsibilities. In a non-revaluation year the Board of E & R shall not

sit later than July 1, except to hear and determine requests made under provisions of subdivision (g) (2), North Carolina General Statute 105-322, when such requests are made within the time prescribed by law. From the time of its first meeting until its adjournment, the Board of E & R shall meet at such times, as it deems reasonably necessary to perform its statutory duties and to receive requests and hear the appeals of taxpayers.

SECTION III. NOTICE OF MEETINGS AND ADJOURNMENT

A notice of the date, hours, place, and purpose of the first meeting of the Board of E & R shall be published at least three (3) times in a local newspaper having general circulation in the County, the first publication to be at least ten (10) days prior to the first meeting. The notice shall also state the dates and hours on which the Board of E & R will meet following its first meeting and the date on which it expects to adjourn. It shall also carry a statement that in the event of earlier or later adjournment, notice to that effect will be published in the same newspaper. Should a notice be required on account of earlier adjournment, it shall be published at least once in the newspaper in which the first notice was published, such publication to be at least five (5) days prior to the date fixed for adjournment. Should a notice be required on account of later adjournment, it shall be published at least once in the newspaper in which the first notice was published, such publication to be prior to the date first announced for adjournment.

SECTION IV. CLERK AND MINUTES

The County Assessor shall serve as Clerk to the Board of E & R, shall maintain accurate minutes of the actions of the Board of E & R, and shall provide the Board of E & R any documents or information available pertaining to the listing and valuation of taxable property in the County.

SECTION V. OATH OF OFFICE

Before entering upon his duties, each member of the Board of E & R shall take and subscribe the following oath and file it with the Clerk to the Board of County Commissioners:

I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as a member of the Board of Equalization and Review of Transylvania County, North Carolina, and that I will not allow my actions as a member of the Board of Equalization and Review to be influenced by personal or political friendships or obligations, so help me, God.

SECTION VI. GENERAL POWERS AND DUTIES

The Board of E & R shall be vested with all of the duties and responsibilities of a Board of County Commissioners serving in the capacity of a Board of Equalization and Review under subchapter II of Chapter 105 of the General Statutes of North Carolina, "The Machinery Act".

SECTION VII. DECISIONS

Decisions of the Board of E & R shall be effected as provided for in North Carolina General Statute 105-323 and a majority of the members of the Board of E & R must sign the following statement to be inserted at the end of the tax records:

We, the undersigned members of the Board of Equalization and Review of Transylvania County, hereby certify that these tax records constitute the fixed and permanent tax list and assessment roll and record of taxes for the year _____, subject to only such changes as may be allowed by law.

Members of the Board of Equalization and
Review of Transylvania County

Appeals to decisions and orders of the Board of E & R shall be to the North Carolina Property Tax Commission as provided in North Carolina General Statutes 105-290.

ADOPTED this the 13th day of December 2004

Raymond D. Miller, Chairman
Transylvania County Board of Commissioners

ATTEST:

Kimberly T. Conover, Clerk to Board

*Board of Health***§ 130A-39. Powers and duties of a local board of health.**

(a) A local board of health shall have the responsibility to protect and promote the public health. The board shall have the authority to adopt rules necessary for that purpose.

(b) A local board of health may adopt a more stringent rule in an area regulated by the Commission for Public Health or the Environmental Management Commission where, in the opinion of the local board of health, a more stringent rule is required to protect the public health; otherwise, the rules of the Commission for Public Health or the rules of the Environmental Management Commission shall prevail over local board of health rules. However, a local board of health may not adopt a rule concerning the grading, operating, and permitting of food and lodging facilities as listed in Part 6 of Article 8 of this Chapter and as defined in G.S. 130A-247(1), and a local board of health may adopt rules concerning wastewater collection, treatment and disposal systems which are not designed to discharge effluent to the land surface or surface waters only in accordance with G.S. 130A-335(c).

(c) The rules of a local board of health shall apply to all municipalities within the local board's jurisdiction.

(d) Not less than 10 days before the adoption, amendment or repeal of any local board of health rule, the proposed rule shall be made available at the office of each county clerk within the board's jurisdiction, and a notice shall be published in a newspaper having general circulation within the area of the board's jurisdiction. The notice shall contain a statement of the substance of the proposed rule or a description of the subjects and issues involved, the proposed effective date of the rule and a statement that copies of the proposed rule are available at the local health department. A local board of health rule shall become effective upon adoption unless a later effective date is specified in the rule.

(e) Copies of all rules shall be filed with the secretary of the local board of health.

(f) A local board of health may, in its rules, adopt by reference any code, standard, rule or regulation which has been adopted by any agency of this State, another state, any agency of the United States or by a generally recognized association. Copies of any material adopted by reference shall be filed with the rules.

(g) A local board of health may impose a fee for services to be rendered by a local health department, except where the imposition of a fee is prohibited by statute or where an employee of the local health department is performing the services as an agent of the State. Notwithstanding any other provisions of law, a local board of health may impose cost-related fees for services performed pursuant to Article 11 of this Chapter, "Wastewater Systems," for services performed pursuant to Part 10, Article 8 of this Chapter, "Public Swimming Pools", for services performed pursuant to Part 11, Article 8 of this Chapter, "Tattooing", and for services performed pursuant to G.S. 87-97. Fees shall be based upon a plan recommended by the local health director and approved by the local board of health and the appropriate county board or boards of commissioners. The fees collected under the authority of this subsection are to be deposited to the account of the local health department so that they may be expended for public health purposes in accordance with the provisions of the Local Government Budget and Fiscal Control Act. (1901, c. 245, s. 3; Rev., s. 4444; 1911, c. 62, s. 9; C.S., s. 7065; 1957, c. 1357, s. 1; 1959, c. 1024, s. 1; 1963, c. 1087; 1973, c. 476, s. 128; c. 508; 1977, c. 857, s. 2; 1981, c. 130, s. 2; c. 281; c. 949, s. 4; 1983, c. 891, s. 2; 1985, c. 175, s. 1; 1989, c. 577, s. 2; 1991 (Reg. Sess., 1992), c. 944, s. 10; 1993 (Reg. Sess., 1994), c. 670, s. 2; 1995, c. 507, s. 26.8(c); 2006-202, s. 6; 2007-182, s. 2.)

**BYLAWS
of the
TRANSYLVANIA COUNTY BOARD OF HEALTH**

**ARTICLE I
NAME**

The name of this organization shall be the Transylvania County Board of Health, hereinafter referred to as "Board of Health." The Board of Health mailing address shall be: 203 East Morgan Street, Brevard, NC 28712.

**ARTICLE II
OBJECTIVES**

The objectives of the Board of Health are set forth in Chapter 130A of the North Carolina General Statutes and the Transylvania County Code of Ordinances.

Section 1. The Board of Health shall be the policy-making, rule-making and adjudicatory body for the Transylvania County Health Department.

Section 2. The Board of Health shall have the responsibility to protect and promote the public health. The Board of Health shall have the authority to adopt rules necessary for that purpose.

Section 3. The Board of Health may adopt a more stringent rule in an area regulated by the Commission for Health Services or the Environmental Management Commission where, in the opinion of the Board of Health, a more stringent rule is required to protect the public health; otherwise the rules of the Commission for Health Services or the rules of the Environmental Management Commission shall prevail over the Board of Health.

Section 4. The rules of the Board of Health apply to all incorporated and unincorporated areas of Transylvania County.

Section 5. Except for codes and standards adopted by reference, all rules and regulations adopted, amended or altered by the Board of Health must meet certain procedural requirements in order to have the force and effect of law.

Section 6. The Board of Health may, in its rules, adopt by reference any code, standard, rule or regulation which has been adopted by any agency of North Carolina, another state, any agency of the United States or by a generally recognized association.

Section 7. The Board of Health may impose a fee for services to be rendered by the Transylvania County Health Department, except where the imposition of a fee is prohibited by statute, or where an employee of the Health Department is performing the services as an agent of the State.

ARTICLE III MEETINGS

The Board of Health shall meet monthly at a location established by the Board of Health. Special meetings may be called by the Chair or any 3 Board of Health members. Cancellation of meetings will be ordered by the Chair of the Board of Health and public notice shall be given.

A simple majority of the Board of Health membership shall constitute a quorum. Attendance is expected at all scheduled meetings. The Board of Health is a voluntary Board that is dependent upon each member being conscientious enough to attend regularly or to inform the Chair if they will be absent. The Chair shall notify the County Commissioners when a member of the Board of Health has missed 3 consecutive Board of Health meetings.

Board of Health meetings shall be conducted in accordance with the current edition of *Robert's Rules of Order Newly Revised* as applicable.

ARTICLE IV OFFICERS

A Chair and Vice Chair shall be elected annually. The local Health Director shall serve as Secretary to the Board of Health.

It shall be the duty of the Nominating Committee to nominate candidates for these offices. Election shall be held during the last scheduled meeting of the year and the terms of the elected officers shall begin January 1st of the following year.

The Chair shall:

- preside over all meetings

- provide supervisory functions for the local Health Director

- be authorized to provide oral and written communication on behalf of the Board of Health

- sign documentation on behalf of the Board of Health

- appoint committee members and have general supervision of the affairs of the Board of Health between its regular meetings

- be subject to the orders of the Board of Health and none of its acts shall conflict with action taken by the Board of Health

- report action taken to the Board of Health

The Vice Chair shall:

possess the powers and discharge the duties of the Chair in the event of the latter's absence, disability or refusal to act

**ARTICLE V
VOTING**

A Board of Health member must be present in order to vote. No proxy voting shall be permitted. However, this does not prohibit the Chair from polling members of the Board of Health for their opinions on certain matters.

**ARTICLE VI
COMMITTEES**

Section 1. Standing Committees of the Board of Health must consist of at least 3 Board of Health members. The following Standing Committees are established and consist of:

Nominating Committee with Vice Chair and two other Board of Health members.

Health Director Evaluation Committee with the Chair and three other Board of Health members appointed by the Chair.

Bylaws Committee with three Board of Health members appointed by the Chair. The Bylaws Committee shall review these Bylaws at least annually.

Section 2. Special *ad hoc* committees shall be appointed by the Chair of the Board of Health as deemed necessary to carry on the work of the Board of Health.

The Chair shall be an *ex officio* member of all committees.

**ARTICLE VII
AMENDMENT OF BYLAWS**

These Bylaws may be amended at any regular meeting of the Board of Health by a two-thirds vote of the entire membership, providing that the amendment has been submitted in writing at the previous meeting.

Approved July 11, 2000

Chair

Health Director

*Brevard Bd of
adjustment + appeal*

§ 160A-388. Board of adjustment.

(a) **Composition and Duties.** - The zoning or unified development ordinance may provide for the appointment and compensation of a board of adjustment consisting of five or more members, each to be appointed for three years. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the city council may appoint certain members for less than three years so that the terms of all members shall not expire at the same time. The council may appoint and provide compensation for alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member. The ordinance may designate a planning board or governing board to perform any of the duties of a board of adjustment in addition to its other duties and may create and designate specialized boards to hear technical appeals.

(a1) **Provisions of Ordinance.** - The zoning or unified development ordinance may provide that the board of adjustment hear and decide special and conditional use permits, requests for variances, and appeals of decisions of administrative officials charged with enforcement of the ordinance. As used in this section, the term "decision" includes any final and binding order, requirement, or determination. The board of adjustment shall follow quasi-judicial procedures when deciding appeals and requests for variances and special and conditional use permits. The board shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development.

(a2) **Notice of Hearing.** - Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or unified development ordinance. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

(b) Repealed by Session Laws 2013-126, s. 1, effective October 1, 2013, and applicable to actions taken on or after that date by any board of adjustment.

(b1) **Appeals.** - The board of adjustment shall hear and decide appeals from decisions of administrative officials charged with enforcement of the zoning or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

- (1) Any person who has standing under G.S. 160A-393(d) or the city may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the city clerk. The notice of appeal shall state the grounds for the appeal.
- (2) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
- (3) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

- (4) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.
- (5) The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
- (6) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
- (7) Subject to the provisions of subdivision (6) of this subsection, the board of adjustment shall hear and decide the appeal within a reasonable time.
- (8) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.
- (9) When hearing an appeal pursuant to G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160A-393(k).
- (10) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

(c) Special and Conditional Use Permits. - The ordinance may provide that the board of adjustment may hear and decide special and conditional use permits in accordance with standards and

procedures specified in the ordinance. Reasonable and appropriate conditions may be imposed upon these permits.

(d) Variances. - When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

(e) Voting. -

- (1) The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
- (2) A member of any board exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(e1) Recodified as subdivision (e)(2) by Session Laws 2013-126, s. 1, effective October 1, 2013, and applicable to actions taken on or after that date by any board of adjustment.

(e2) Quasi-Judicial Decisions and Judicial Review. -

- (1) The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial

decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

- (2) Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision (1) of this subsection. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(f) Oaths. - The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

(g) Subpoenas. - The board of adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. (1923, c. 250, s. 7; C.S., s. 2776(x); 1929, c. 94, s. 1; 1947, c. 311; 1949, c. 979, ss. 1, 2; 1963, c. 1058, s. 3; 1965, c. 864, s. 2; 1967, c. 197, s. 1; 1971, c. 698, s. 1; 1977, c. 912, ss. 9-12; 1979, c. 50; 1979, 2nd Sess., c. 1247, s. 37; 1981, c. 891, s. 7; 1985, c. 397, s. 2; c. 689, s. 30; 1991, c. 512, s. 2; 1993, c. 539, s. 1088; 1994, Ex. Sess., c. 24, s. 14(c); 2005-418, s. 8(a); 2009-421, s. 5; 2013-126, ss. 1, 2(a), 2(b); 2013-410, s. 25(a).)

*Brevard Planning
& Zoning*

§ 160A-361. Planning boards.

(a) Any city may by ordinance create or designate one or more boards or commissions to perform the following duties:

- (1) Make studies of the area within its jurisdiction and surrounding areas;
- (2) Determine objectives to be sought in the development of the study area;
- (3) Prepare and adopt plans for achieving these objectives;
- (4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- (5) Advise the council concerning the use and amendment of means for carrying out plans;
- (6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the council may direct;
- (7) Perform any other related duties that the council may direct.

(b) A board or commission created or designated pursuant to this section may include, but shall not be limited to, one or more of the following:

- (1) A planning board or commission of any size (with not fewer than three members) or composition deemed appropriate, organized in any manner deemed appropriate;
- (2) A joint planning board created by two or more local governments pursuant to Article 20, Part 1, of this Chapter. (1919, c. 23, s. 1; C.S., s. 2643; 1945, c. 1040, s. 2; 1955, cc. 489, 1252; 1959, c. 327, s. 2; c. 390; 1971, c. 698, s. 1; 1973, c. 426, s. 57; 1979, 2nd Sess., c. 1247, s. 35; 1997-309, s. 7; 1997-456, s. 27; 2004-199, s. 41 (a).)

*Brevard Planning
& Zoning***§ 160A-362. Extraterritorial representation.**

When a city elects to exercise extraterritorial zoning or subdivision-regulation powers under G.S. 160A-360, it shall in the ordinance creating or designating its planning board provide a means of proportional representation based on population for residents of the extraterritorial area to be regulated. Representation shall be provided by appointing at least one resident of the entire extraterritorial zoning and subdivision regulation area to the planning board and the board of adjustment that makes recommendations or grants relief in these matters. For purposes of this section, an additional member must be appointed to the planning board or board of adjustment to achieve proportional representation only when the population of the entire extraterritorial zoning and subdivision area constitutes a full fraction of the municipality's population divided by the total membership of the planning board or board of adjustment. Membership of joint municipal county planning agencies or boards of adjustment may be appointed as agreed by counties and municipalities. Any advisory board established prior to July 1, 1983, to provide the required extraterritorial representation shall constitute compliance with this section until the board is abolished by ordinance of the city. The representatives on the planning board and the board of adjustment shall be appointed by the board of county commissioners with jurisdiction over the area. When selecting a new representative to the planning board or to the board of adjustment as a result of an extension of the extraterritorial jurisdiction, the board of county commissioners shall hold a public hearing on the selection. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The board of county commissioners shall select appointees only from those who apply at or before the public hearing. The county shall make the appointments within 45 days following the public hearing. Once a city provides proportional representation, no power available to a city under G.S. 160A-360 shall be ineffective in its extraterritorial area solely because county appointments have not yet been made. If there is an insufficient number of qualified residents of the area to meet membership requirements, the board of county commissioners may appoint as many other residents of the county as necessary to make up the requisite number. When the extraterritorial area extends into two or more counties, each board of county commissioners concerned shall appoint representatives from its portion of the area, as specified in the ordinance. If a board of county commissioners fails to make these appointments within 90 days after receiving a resolution from the city council requesting that they be made, the city council may make them. If the ordinance so provides, the outside representatives may have equal rights, privileges, and duties with the other members of the board to which they are appointed, regardless of whether the matters at issue arise within the city or within the extraterritorial area; otherwise they shall function only with respect to matters within the extraterritorial area. (1959, c. 1204; 1961, c. 103; c. 548, ss. 1, 13/4; c. 1217; 1963, cc. 519, 889, 1076, 1105; 1965, c. 121; c. 348, s. 2; c. 450, s. 1; c. 864, ss. 3-6; 1967, cc. 15, 22, 149; c. 197, s. 2; cc. 246, 685; c. 1208, s. 3; 1969, cc. 11, 53; c. 1010, s. 5; c. 1099; 1971, c. 698, s. 1; 1983, c. 584, ss. 1-4; 1995 (Reg. Sess., 1996), c. 746, s. 2; 2005-418, s. 11.)

Transylvania County Community Appearance Initiative
As Amended on April 13, 2009

Purpose and Goals

Transylvania County is a special place known for its scenic beauty and excellent quality of life. These features have led to steady increases in population as people move to the County to live, work and visit. Concerns about the appearance and effect of abandoned manufactured homes, junked or abandoned motor vehicles, junkyards, and junk in general have been expressed by County citizens. The concerns include possible adverse effects on adjacent property values, tourism, safety and health, and potential residential and business relocations.

Many citizens are also concerned about the protection of private property rights but are interested in finding ways to help improve the appearance of the County and to help remove accumulated but unwanted junk.

The Transylvania County Comprehensive Plan includes several goals and objectives related to this initiative: 1) Encourage the preservation of aesthetically and economically valuable views and green spaces (Goal 2, Objective 10); Promote the best use of land while protecting citizen's property rights (Goal 7); Promote Best Management Practices for Corridors (Goal 7, Objective 2);

The goals of the Transylvania County Community Appearance Initiative (CAI) are:

- Preserve and protect the natural beauty of Transylvania County
- Preserve and protect property rights
- Promote and protect the health and safety of citizens of Transylvania County.
- Promote economic development while protecting individuals and businesses from burdensome regulations.

Mission

Transylvania County will assist citizens to remove and dispose of abandoned manufactured housing, junked / abandoned motor vehicles and junk. The County will also assist owners of junkyards with vegetative screening efforts. The County will help identify areas for improvement, coordinate efforts and may provide financial assistance in some cases to aid in this effort. The County will provide information for citizens and junkyard owners about the initiative, will establish an advisory council and appoint an administrator.

Scope and Priorities

The initiative will apply to abandoned manufactured homes, junked / abandoned motor vehicles, junk and junkyards visible from state roads. Priority will be given to safety and health and to the major corridors in the County; U.S. 64, U.S.178, U.S. 276, NC 215 and NC 280. The initiative is not intended to apply to junk brought into the County after the beginning of the initiative.

Description of Roles

Advisory Council – Appointed by the County Commissioners, this group periodically reviews applications from citizens requesting assistance and complaints from concerned citizens and prioritizes improvement efforts. The Council also provides guidance for the administrator and reports to the Board of Commissioners. The advisory council shall consist of 7 members and

shall include a representative(s) from: the health department, salvage dealers, solid waste, and interested citizens. Member terms are to be staggered initially then run for three years and a maximum of two terms. Initially the planning board member and two citizen members shall serve for 1 year, two citizen members shall serve for two years, two citizen members shall serve for three years and the health department and solid waste department members shall serve continuously.

Administrator – coordinates the improvement efforts, contacts property owners and resources to implement improvement efforts, keeps records of applications for assistance, complaints from citizens and action on each case approved by the advisory council. The administrator will be appointed by the Commissioners/County Manager.

Board of Commissioners – appoints the advisory council, establishes budget and policies governing the initiative.

Citizens – make applications for assistance, comply with initiative standards, communicate concerns, volunteer to support and provide resources for initiative implementation.

Procedures

- Citizens apply to the administrator for assistance under the voluntary initiative or call regarding concerns.
- The administrator keeps records of applications and concerns.
- The advisory council meets periodically (could be monthly to start and quarterly after the initiative is underway) to review applications and concerns and set priorities for the next period. The advisory council and the administrator agree on the approach for improvement efforts for the next period.
- The administrator contacts the property owner and utilizes resources as needed to obtain agreements and waivers of liability and to implement the improvement effort. Records of the action are kept. If payment is needed for any service the administrator verifies the work done and submits a request for payment from the County. A file is kept on each case.

Education / Awareness

The Advisory Council and Administrator will develop an education and awareness program that will include:

- Articles in local newspapers on recycling, Community Appearance Initiative.
- Public service announcements on cable TV.
- County and economic development website to have information about the initiative.
- Service Organizations and Business Associations help publicize.
- Solid Waste Collection Centers distribute initiative information.
- County clean-up week quarterly, including solid waste pick-up and tipping assistance.

Resources

Potential sources of assistance may include the following:

- Commissioners – Approval of: initiative, funds, solid waste equipment, administrative staff
- Solid Waste – equipment, containers, appliance and tire handling
- Salvage Dealers – disposal of vehicles, scrap metal and other salvage materials
- Co-operative Extension / Soil & Water – plantings

- Job Corps – plantings, clean-up
- Grading Contractors / Salvage Dealers – demolition
- Fire Departments – Burning
- NCDENR, NCDOC, NCDOT, USDA, The Rural Center, Congress – Grants
- Public / Environmental groups / Service Clubs – volunteers, fund drives
- TDA - funds
- Private donations / sponsorships
- Other (To Be Determined)

Standards / Regulation

The benefits under this initiative are meant to be a one-time benefit to any property owner. Persons benefiting from this initiative shall agree to prevent further placement or accumulation of abandoned manufactured homes, abandoned motor vehicles or junk on their property. This agreement shall be in writing as determined by the County Attorney. The County shall be entitled to recover any expense benefiting the person who violates this agreement.

Junkyard owners benefiting from this initiative shall agree to maintain junkyard standards as listed below:

- Limit stacking or piling of material to no more than eight feet.
- Maintain a vegetative screen on sides of the junkyard that are visible from a public road.
- Avoid placement of salvage material or vehicles within fifty (50) feet of any water source, pond, lake, creek, stream or river. Use berms or plantings in this buffer zone to help control storm water run-off.
- Avoid placement of material outside the screened area.

Health violations shall be referred to the health department for action under G.S. 130A-19. Illegal dumping violations shall be subject to penalty per the Transylvania County Solid Waste Ordinance section 8.17 and/or referred to the NC Department of Environment and Natural Resources.

Annual Report

The Advisory Council shall issue a report annually describing the initiative's effectiveness, specific results achieved and any issues or non-compliance. Recommendations for making the initiative more effective and efficient and means of addressing initiative deficiencies shall also be included.

Budget

The planning board recommends the following budget items for the first year of the initiative:

- Contract costs for demolition of 10 abandoned manufactured homes
- Landfill fees for 100 tons of solid waste
- Assistance with screening
- Miscellaneous initiative costs (advertising, printing, postage,

The planning board estimates that 7.5 hours per week of administrative time will be needed to conduct this initiative during the first year.

Definitions

Abandoned Mobile / Manufactured Home – a mobile/manufactured home not habitable as a dwelling and not providing complete, independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation or has not received the proper permits to be located within the County's jurisdiction.

Accumulated Junk - junk covering 600 square feet (approximately 20 feet by 30 feet) or more of surface area, in total, whether in one area or several, on the same or contiguous parcels of land.

Junk – Wrecked, scrapped, disassembled, unusable, cannibalized, inoperable, or un-repairable boats, trailers, camping trailers, construction equipment, appliance, vehicle parts, building materials, scrap metal, rope, rags, paper, and rubber.

Junked Motor Vehicle: A motor vehicle that does not display a current North Carolina license plate and may be partially dismantled or wrecked and cannot be self propelled or moved in the manner in which it was originally intended to move.

Junkyard – Any establishment, place of business or place that is maintained, operated or used for storing, keeping buying or selling junk or for maintenance or operation of an automobile graveyard.

Vegetative Screen – An evergreen, continuous and opaque vegetative planting. Vegetation not less than two feet (2') in height shall be planted not more than six feet (6') apart and shall grow to at least six (6) feet in height within four (4) years of planting. Plants should have leaves or foliage at all times of year and shall include, but not be limited to, white pine, hemlock, southern pine, and spruce trees.

Amendments:

1. On 4/13/09 amended Description of Roles reducing the membership from nine (9) to seven (7) and removing the requirement to include a planning board member.

§ 143B-181.1. Division of Aging - creation, powers and duties.

(a) There is hereby created within the office of the Secretary of the Department of Health and Human Services a Division of Aging, which shall have the following functions and duties:

- (1) To maintain a continuing review of existing programs for the aging in the State of North Carolina, and periodically make recommendations to the Secretary of Health and Human Services for transmittal to the Governor and the General Assembly as appropriate for improvements in and additions to such programs;
- (2) To study, collect, maintain, publish and disseminate factual data and pertinent information relative to all aspects of aging. These include the societal, economic, educational, recreational and health needs and opportunities of the aging;
- (3) To stimulate, inform, educate and assist local organizations, the community at large, and older people themselves about aging, including needs, resources and opportunities for the aging, and about the role they can play in improving conditions for the aging;
- (4) To serve as the agency through which various public and nonpublic organizations concerned with the aged can exchange information, coordinate programs, and be helped to engage in joint endeavors;
- (5) To provide advice, information and technical assistance to North Carolina State government departments and agencies and to nongovernmental organizations which may be considering the inauguration of services, programs, or facilities for the aging, or which can be stimulated to take such action;
- (6) To coordinate governmental programs with private agency programs for aging in order that such efforts be effective and that duplication and wasted effort be prevented or eliminated;
- (7) To promote employment opportunities as well as proper and adequate recreational use of leisure for older people, including opportunities for uncompensated but satisfying volunteer work;
- (8) To identify research needs, encourage research, and assist in obtaining funds for research and demonstration projects;
- (9) To establish or help to establish demonstration programs of services to the aging;
- (10) To establish a fee schedule to cover the cost of providing in-home and community-based services funded by the Division. The fees may vary on the basis of the type of service provided and the ability of the recipient to pay for the service. The fees may be imposed on the recipient of a service unless prohibited by federal law. The local agency shall retain the fee and use it to extend the availability of in-home and community-based services provided by the Division in support of functionally impaired older adults and family caregivers of functionally impaired older adults;
- (11) To administer a Home and Community Care Block Grant for older adults, effective July 1, 1992. The Home and Community Care Block Grant shall be comprised of applicable Older Americans Act funds, Social Services Block Grant funding in support of the Respite Care Program (G.S. 143B-181.10),

State funds for home and community care services administered by the Division of Aging, portions of the State In-Home and Adult Day Care funds (Chapter 1048, 1981 Session Laws) administered by the Division of Social Services which support services to older adults, and other funds appropriated by the General Assembly as part of the Home and Community Care Block Grant. Funding currently administered by the Division of Social Services to be included in the block grant will be based on the expenditures for older adults at a point in time to be mutually determined by the Divisions of Social Services and Aging. The total amount of Older Americans Act funds to be included in the Home and Community Care Block Grant and the matching rates for the block grant shall be established by the Department of Health and Human Services, Division of Aging. Allocations made to counties in support of older adults shall not be less than resources made available for the period July 1, 1990, through June 30, 1991, contingent upon availability of current State and federal funding; and

- (12) To organize, coordinate, and provide staff support to the North Carolina Senior Tar Heel Legislature.

- (b) The Division shall function under the authority of the Department of Health and Human Services and the Secretary of Health and Human Services as provided in the Executive Organization Act of 1973 and shall perform such other duties as are assigned by the Secretary.

- (c) The Secretary of Health and Human Services shall adopt rules to implement this Part and Title 42, Chapter 35, of the United States Code, entitled Programs for Older Americans. (1977, c. 242, s. 4; 1981, c. 614, s. 19; 1987, c. 827, s. 244; 1991, c. 52, s. 1; c. 241, s. 1; 1993, c. 503, s. 2; 1997-443, s. 11A.118(a).)

HRC

§ 160A-492. Human relations, community action and manpower development programs.

The governing body of any city, town, or county is hereby authorized to undertake, and to expend tax or nontax funds for, human relations, community action and manpower development programs. In undertaking and engaging in such programs, the governing body may enter into contracts with and accept loans and grants from the State or federal governments. The governing body may appoint such human relations, community action and manpower development committees or boards and citizens' committees, as it may deem necessary in carrying out such programs and activities, and may authorize the employment of personnel by such committees or boards, and may establish their duties, responsibilities, and powers. The cities and counties may jointly undertake any program or activity which they are authorized to undertake by this section. The expenses of undertaking and engaging in the human relations, community action and manpower development programs and activities authorized by this section are necessary expenses for which funds derived from taxation may be expended without the necessity of prior approval of the voters.

For the purposes of this section, a "human relations program" is one devoted to (i) the study of problems in the area of human relations, (ii) the promotion of equality of opportunity for all citizens, (iii) the promotion of understanding, respect and goodwill among all citizens, (iv) the provision of channels of communication among the races, (v) dispute resolution, (vi) encouraging the employment of qualified people without regard to race, or (vii) encouraging youth to become better trained and qualified for employment. (1971, c. 896, s. 11; c. 1207, ss. 1, 2; 1973, c. 641; 1989 (Reg. Sess., 1990), c. 1062, s. 1.)

Part 3C. Historic Districts and Landmarks.

§ 160A-400.1. Legislative findings.

The historical heritage of our State is one of our most valued and important assets. The conservation and preservation of historic districts and landmarks stabilize and increase property values in their areas and strengthen the overall economy of the State. This Part authorizes cities and counties of the State within their respective zoning jurisdictions and by means of listing, regulation, and acquisition:

- (1) To safeguard the heritage of the city or county by preserving any district or landmark therein that embodies important elements of its culture, history, architectural history, or prehistory; and
- (2) To promote the use and conservation of such district or landmark for the education, pleasure and enrichment of the residents of the city or county and the State as a whole. (1989, c. 706, s. 2.)

JHPC

§ 160A-400.6. Required landmark designation procedures.

As a guide for the identification and evaluation of landmarks, the commission shall undertake, at the earliest possible time and consistent with the resources available to it, an inventory of properties of historical, architectural, prehistorical, and cultural significance within its jurisdiction. Such inventories and any additions or revisions thereof shall be submitted as expeditiously as possible to the Office of Archives and History. No ordinance designating a historic building, structure, site, area or object as a landmark nor any amendment thereto may be adopted, nor may any property be accepted or acquired by a preservation commission or the governing board of a municipality, until all of the following procedural steps have been taken:

- (1) The preservation commission shall (i) prepare and adopt rules of procedure, and (ii) prepare and adopt principles and guidelines, not inconsistent with this Part, for altering, restoring, moving, or demolishing properties designated as landmarks.
- (2) The preservation commission shall make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational or cultural significance of each building, structure, site, area or object proposed for designation or acquisition. Such investigation or report shall be forwarded to the Office of Archives and History, North Carolina Department of Cultural Resources.
- (3) The Department of Cultural Resources, acting through the State Historic Preservation Officer shall either upon request of the department or at the initiative of the preservation commission be given an opportunity to review and comment upon the substance and effect of the designation of any landmark pursuant to this Part. Any comments shall be provided in writing. If the Department does not submit its comments or recommendation in connection with any designation within 30 days following receipt by the Department of the investigation and report of the commission, the commission and any city or county governing board shall be relieved of any responsibility to consider such comments.
- (4) The preservation commission and the governing board shall hold a joint public hearing or separate public hearings on the proposed ordinance. Reasonable notice of the time and place thereof shall be given. All meetings of the commission shall be open to the public, in accordance with the North Carolina Open Meetings Law, Chapter 143, Article 33C.
- (5) Following the joint public hearing or separate public hearings, the governing board may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.
- (6) Upon adoption of the ordinance, the owners and occupants of each designated landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and all amendments thereto shall be filed by the preservation commission in the office of the register of deeds of the county in which the landmark or landmarks are located. In the case of any landmark property lying within the zoning jurisdiction of a city, a second copy of the ordinance and all amendments thereto shall be kept on file in the office of the city or town clerk and be made available for public inspection at any reasonable time. A third copy of the

ordinance and all amendments thereto shall be given to the city or county building inspector. The fact that a building, structure, site, area or object has been designated a landmark shall be clearly indicated on all tax maps maintained by the county or city for such period as the designation remains in effect.

- (7) Upon the adoption of the landmarks ordinance or any amendment thereto, it shall be the duty of the preservation commission to give notice thereof to the tax supervisor of the county in which the property is located. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes. (1989, c. 706, s. 2; 2002-159, s. 35(m); 2012-18, s. 1.24.)

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§ 160A-400.7. Historic Preservation Commission.

Before it may designate one or more landmarks or historic districts, a municipality shall establish or designate a historic preservation commission. The municipal governing board shall determine the number of the members of the commission, which shall be at least three, and the length of their terms, which shall be no greater than four years. A majority of the members of such a commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. All the members shall reside within the territorial jurisdiction of the municipality as established pursuant to G.S. 160A-360. The commission may appoint advisory bodies and committees as appropriate.

In lieu of establishing a historic preservation commission, a municipality may designate as its historic preservation commission, (i) a separate historic districts commission or a separate historic landmarks commission established pursuant to this Part to deal only with historic districts or landmarks respectively, (ii) a planning board established pursuant to this Article, or (iii) a community appearance commission established pursuant to Part 7 of this Article. In order for a commission or board other than the preservation commission to be designated, at least three of its members shall have demonstrated special interest, experience, or education in history, architecture, or related fields. At the discretion of the municipality the ordinance may also provide that the preservation commission may exercise within a historic district any or all of the powers of a planning board or a community appearance commission.

A county and one or more cities in the county may establish or designate a joint preservation commission. If a joint commission is established or designated, the county and cities involved shall determine the residence requirements of members of the joint preservation commission. (1989, c. 706, s. 2; 2005-418, s. 12.)

*JHP***§ 160A-400.8. Powers of the Historic Preservation Commission.**

A preservation commission established pursuant to this Part may, within the zoning jurisdiction of the municipality:

- (1) Undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;
- (2) Recommend to the municipal governing board areas to be designated by ordinance as "Historic Districts"; and individual structures, buildings, sites, areas, or objects to be designated by ordinance as "Landmarks";
- (3) Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks, to hold, manage, preserve, restore and improve the same, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property;
- (4) Restore, preserve and operate historic properties;
- (5) Recommend to the governing board that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause;
- (6) Conduct an educational program with respect to historic properties and districts within its jurisdiction;
- (7) Cooperate with the State, federal, and local governments in pursuance of the purposes of this Part. The governing board or the commission when authorized by the governing board may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or federal law;
- (8) Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof;
- (9) Prepare and recommend the official adoption of a preservation element as part of the municipality's comprehensive plan;
- (10) Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuant to this Part; and
- (11) Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate. (1989, c. 706, s. 2.)

Jury Commission

Article 1.

Jury Commissions, Preparation of Jury Lists, and Drawing of Panels.

§ 9-1. Jury commission in each county; membership; selection; oath; terms; expenses of jury system.

Not later than July 1, 1967, there shall be appointed in each county a jury commission of three members. One member of the commission shall be appointed by the senior regular resident superior court judge, one member by the clerk of superior court, and one member by the board of county commissioners. The appointees shall be qualified voters of the county, and shall serve for terms of two years. Appointees may be reappointed to successive terms. A vacancy in the commission shall be filled in the same manner as the original appointment, for the unexpired term. Each commissioner shall take an oath or affirmation that, without favor or prejudice, he will honestly perform the duties of a member of the jury commission during his term of service. The compensation of commissioners shall be fixed by the board of county commissioners, and shall be paid from the general fund of the county. All expenses necessary to carry out the provisions of this Chapter and to administer the jury system, including all data processing, document processing, supplies, postage, and other similar expenses, except as otherwise provided in this Chapter, shall be paid from the general fund of the county, except that the clerk of superior court shall furnish clerical or other personnel assistance, as the commission may reasonably require. (1967, c. 218, s. 1; 1981, c. 720, s. 3; 1991, c. 729, s. 1.)

*Library Bd of Trustees***§ 153A-263. Public library systems authorized.**

A county or city may:

- (1) Establish, operate, and support public library systems;
- (2) Set apart lands and buildings for a public library system;
- (3) Acquire real property for a public library system by gift, grant, purchase, lease, exercise of the power of eminent domain, or any other lawful method. If a library board of trustees is appointed, a county or city shall, before acquiring real property by purchase, lease, or exercise of the power of eminent domain, seek the recommendations of the board of trustees regarding the proposed acquisition;
- (4) Provide, acquire, construct, equip, operate, and maintain buildings and other structures for a public library system;
- (5) Acquire library materials by purchase, exchange, devise, gift, or any other lawful method;
- (6) Appropriate funds to carry out the provisions of this Article;
- (7) Accept any gift, grant, lease, loan, exchange, or devise of real or personal property for a public library system. Devises, grants, and gifts may be accepted and held subject to any term or condition that may be imposed by the grantor or trustor, except that no county or city may accept or administer any term or condition that requires it to discriminate among its citizens on the basis of race, sex, or religion. (1953, c. 721; 1963, c. 945; 1971, c. 698, s. 3; 1973, c. 822, s. 1; 2011-284, s. 107.)

*Library Bd of Trustees***§ 153A-265. Library board of trustees.**

The governing body of a county or city may appoint a library board of trustees. The governing body shall determine the number of members of the board of trustees (which may not be more than 12), the length of their terms, the manner of filling vacancies, and the amount, if any, of their compensation and allowances. The governing body may remove a trustee at any time for incapacity, unfitness, misconduct, or neglect of duty. (1953, c. 721; 1963, c. 945; 1971, c. 698, s. 1; 1973, c. 822, s. 1.)

§ 153A-266. Powers and duties of trustees.

If a board of trustees is appointed, it shall elect a chairman and may elect other officers. The governing body may delegate to the board of trustees any of the following powers:

- (1) To formulate and adopt programs, policies, and regulations for the government of the library;
- (2) To make recommendations to the governing body concerning the construction and improvement of buildings and other structures for the library system;
- (3) To supervise and care for the facilities of the library system;
- (4) To appoint a chief librarian or director of library services and, with his advice, to appoint other employees of the library system. If some other body or official is to appoint the chief librarian or director of library services, to advise that body or official concerning that appointment;
- (5) To establish, a schedule of fines and charges for late return of, failure to return, damage to, and loss of library materials, and to take other measures to protect and regulate the use of such materials;
- (6) To participate in preparing the annual budget of the library system;
- (7) To extend the privileges and use of the library system to nonresidents of the county or city establishing or supporting the system, on any terms or conditions the board may prescribe.
- (8) To otherwise advise the board of commissioners on library matters.

The board of trustees shall make an annual report on the operations of the library to the governing body of the county or city and shall make an annual report to the Department of Cultural Resources as required by G.S. 125-5. If no board of trustees is established, the governing body shall make the annual report to the Department. (1953, c. 721; 1963, c. 945; 1969, c. 488; 1971, c. 698, s. 3; 1973, c. 476, s. 84; c. 822, s. 1.)

*Nursing & adult care
Homes advisory committee*

§ 131E-128. Nursing home advisory committees.

(a) It is the purpose of the General Assembly that community advisory committees work to maintain the intent of this Part within the nursing homes in this State, including nursing homes operated by hospitals licensed under Article 5 of G.S. Chapter 131E. It is the further purpose of the General Assembly that the committees promote community involvement and cooperation with nursing homes and an integration of these homes into a system of care for the elderly.

(b) (1) A community advisory committee shall be established in each county which has a nursing home, including a nursing home operated by a hospital licensed under Article 5 of G.S. Chapter 131E, shall serve all the homes in the county, and shall work with each home in the best interest of the persons residing in each home. In a county which has one, two, or three nursing homes, the committee shall have five members. In a county with four or more nursing homes, the committee shall have one additional member for each nursing home in excess of three, and may have up to five additional members per committee at the discretion of the county commissioners.

(2) In each county with four or more nursing homes, the committee shall establish a subcommittee of no more than five members and no fewer than three members from the committee for each nursing home in the county. Each member must serve on at least one subcommittee.

(3) Each committee shall be appointed by the board of county commissioners. Of the members, a minority (not less than one-third, but as close to one-third as possible) must be chosen from among persons nominated by a majority of the chief administrators of nursing homes in the county and of the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes. If the nursing home administrators and the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes fail to make a nomination within 45 days after written notification has been sent to them by the board of county commissioners requesting a nomination, these appointments may be made by the board of county commissioners without nominations.

(c) Each committee member shall serve an initial term of one year. Any person reappointed to a second or subsequent term in the same county shall serve a three-year term. Persons who were originally nominees of nursing home chief administrators and the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes, or who were appointed by the board of county commissioners when the nursing home administrators and the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes failed to make nominations, may not be reappointed without the consent of a majority of the nursing home chief administrators and the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes within the county. If the nursing home chief administrators and the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes fail to approve or reject the reappointment within 45 days of being requested by the board of county commissioners, the commissioners may reappoint the member if they so choose.

(d) Any vacancy shall be filled by appointment of a person for a one-year term. Any person replacing a member nominated by the chief administrators and the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes or a

person appointed when the chief administrators and the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes failed to make a nomination shall be selected from among persons nominated by the administrators and the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes, as provided in subsection (b). If the county commissioners fail to appoint members to a committee, or fail to fill a vacancy, the appointment may be made or vacancy filled by the Secretary or the Secretary's designee no sooner than 45 days after the commissioners have been notified of the appointment or vacancy if nomination or approval of the nursing home administrators and the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes is not required. If nominations or approval of the nursing home administrators and the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes is required, the appointment may be made or vacancy filled by the Secretary or the Secretary's designee no sooner than 45 days after the commissioners have received the nomination or approval, or no sooner than 45 days after the 45-day period for action by the nursing home administrators and the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes.

(e) The committee shall elect from its members a chair, to serve a one-year term.

(f) Each member must be a resident of the county which the committee serves. No person or immediate family member of a person with a financial interest in a home served by a committee, or employee or governing board member or immediate family member of an employee or governing board member of a home served by a committee, or immediate family member of a patient in a home served by a committee may be a member of a committee. Membership on a committee shall not be considered an office as defined in G.S. 128-1 or G.S. 128-1.1. Any county commissioner who is appointed to the committee shall be deemed to be serving on the committee in an ex officio capacity. Members of the committee shall serve without compensation, but may be reimbursed for the amount of actual expenses incurred by them in the performance of their duties. The names of the committee members and the date of expiration of their terms shall be filed with the Division of Aging, which shall supply a copy to the Division of Health Service Regulation.

(g) The Division of Aging, Department of Health and Human Services, shall develop training materials which shall be distributed to each committee member and nursing home. Each committee member must receive training as specified by the Division of Aging prior to exercising any power under subsection (h) of this section. The Division of Aging, Department of Health and Human Services, shall provide the committees with information, guidelines, training, and consultation to direct them in the performance of their duties.

(h) (1) Each committee shall apprise itself of the general conditions under which the persons are residing in the homes, and shall work for the best interests of the persons in the homes. This may include assisting persons who have grievances with the home and facilitating the resolution of grievances at the local level.

(2) Each committee shall quarterly visit the nursing home it serves. For each official quarterly visit, a majority of the committee members shall be present. In addition, each committee may visit the nursing home it serves whenever it deems it necessary to carry out its duties. In counties with four or more nursing homes, the subcommittee assigned to a home shall perform the duties of the committee under this subdivision, and a majority of the subcommittee members must be present for any visit.

- (3) Each member of a committee shall have the right between 10:00 A.M. and 8:00 P.M. to enter into the facility the committee serves in order to carry out the members' responsibilities. In a county where subcommittees have been established, this right of access shall be limited to homes served by those subcommittees to which the member has been appointed.
- (4) The committee or subcommittee may communicate through its chair with the Department or any other agency in relation to the interest of any patient. The identity of any complainant or resident involved in a complaint shall not be disclosed except as permitted under the Older Americans Act of 1965, as amended, 42 U.S.C. § 3001 et seq.
- (5) Each home shall cooperate with the committee as it carries out its duties.
- (6) Before entering into any nursing home, the committee, subcommittee, or member shall identify itself to the person present at the facility who is in charge of the facility at that time.

(i) Any written communication made by a member of a nursing home advisory committee within the course and scope of the member's duties, as specified in G.S. 131E-128, shall be privileged to the extent provided in this subsection. This privilege shall be a defense in a cause of action for libel if the member was acting in good faith and the statements or communications do not amount to intentional wrongdoing.

To the extent that any nursing home advisory committee or any member thereof is covered by liability insurance, that committee or member shall be deemed to have waived the qualified immunity herein to the extent of indemnification by insurance. (1977, c. 897, s. 2; 1977, 2nd Sess., c. 1192, s. 1; 1983, c. 143, ss. 4-9; c. 775, ss. 1, 6; 1987, c. 682, s. 1; 1995, c. 254, s. 7; 1997-176, s. 1; 1997-443, s. 11A.118(a); 2007-182, s. 1.)

*Personnel Board***§ 153A-95. Personnel board.**

The board of commissioners may establish a personnel board with authority, as regards employees in offices, departments, boards, commissions, and agencies under the general control of the board of commissioners, to administer tests designed to determine the merit and fitness of candidates for appointment or promotion, to conduct hearings upon the appeal of employees who have been suspended, demoted, or discharged, to hear employee grievances, or to undertake any other duties relating to personnel administration that the board of commissioners may direct. (1973, c. 822, s. 1.)

*Planning Board***§ 153A-321. Planning boards.**

A county may by ordinance create or designate one or more boards or commissions to perform the following duties:

- (1) Make studies of the county and surrounding areas;
- (2) Determine objectives to be sought in the development of the study area;
- (3) Prepare and adopt plans for achieving these objectives;
- (4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- (5) Advise the board of commissioners concerning the use and amendment of means for carrying out plans;
- (6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the board of commissioners may direct;
- (7) Perform any other related duties that the board of commissioners may direct.

A board or commission created or designated pursuant to this section may include but shall not be limited to one or more of the following:

- (1) A planning board or commission of any size (with not fewer than three members) or composition considered appropriate, organized in any manner considered appropriate;
- (2) A joint planning board created by two or more local governments according to the procedures and provisions of Chapter 160A, Article 20, Part 1. (1945, c. 1040, s. 1; 1955, c. 1252; 1957, c. 947; 1959, c. 327, s. 1; c. 390; 1973, c. 822, s. 1; 1979, c. 611, s. 6; 1997-309, s. 5; 2004-199, s. 41(c).)

*Planning Board***§ 153A-322. Supplemental powers.**

(a) A county or its designated planning board may accept, receive, and disburse in furtherance of its functions funds, grants, and services made available by the federal government or its agencies, the State government or its agencies, any local government or its agencies, and private or civic sources. A county, or its designated planning board with the concurrence of the board of commissioners, may enter into and carry out contracts with the State or federal governments or any agencies of either under which financial or other planning assistance is made available to the county and may agree to and comply with any reasonable conditions that are imposed upon the assistance.

(b) A county, or its designated planning board with the concurrence of the board of commissioners, may enter into and carry out contracts with any other county, city, regional council, or planning agency under which it agrees to furnish technical planning assistance to the other local government or planning agency. A county, or its designated planning board with the concurrence of the board of commissioners, may enter into and carry out contracts with any other county, city, regional council, or planning agency under which it agrees to pay the other local government or planning board for technical planning assistance.

(c) A county may make any appropriations that may be necessary to carry out an activity or contract authorized by this Article, by Chapter 157A, or by Chapter 160A, Article 19 or to support, and compensate members of, any planning board that it may create or designate pursuant to this Article.

(d) A county may elect to combine any of the ordinances authorized by this Article into a unified ordinance. Unless expressly provided otherwise, a county may apply any of the definitions and procedures authorized by law to any or all aspects of the unified ordinance and may employ any organizational structure, board, commission, or staffing arrangement authorized by law to any or all aspects of the ordinance. (1945, c. 1040, s. 1; 1955, c. 1252; 1957, c. 947; 1959, c. 327, s. 1; c. 390; 1973, c. 822, s. 1; 1983, c. 377, s. 8; 2004-199, s. 41(d); 2005-418, s. 1(b).)

Social Service Board

**Chapter 108A.
Social Services.**

Article 1.

County Administration.

Part 1. County Boards of Social Services.

§ 108A-1. Creation.

Every county shall have a board of social services or a consolidated human services board created pursuant to G.S. 153A-77(b) which shall establish county policies for the programs established by this Chapter in conformity with the rules and regulations of the Social Services Commission and under the supervision of the Department of Health and Human Services. Provided, however, county policies for the program of medical assistance shall be established in conformity with the rules and regulations of the Department of Health and Human Services. (1917, c. 170, s. 1; 1919, c. 46, s. 3; C.S., s. 5014; 1937, c. 319, s. 3; 1941, c. 270, s. 2; 1945, c. 47; 1953, c. 132; 1955, c. 249; 1957, c. 100, s. 1; 1959, c. 1255, s. 1; 1961, c. 186; 1963, c. 139; c. 247, ss. 1, 2; 1969, c. 546, s. 1; 1973, c. 476, s. 138; 1977, 2nd Sess., c. 1219, s. 6; 1981, c. 275, s. 1; 1995 (Reg. Sess., 1996), c. 690, s. 5; 1997-443, s. 11A.118 (a).)

§ 108A-2. Size.

The county board of social services of a county shall consist of three members, except that the board of commissioners of any county may increase such number to five members. The decision to increase the size to five members or to reduce a five-member board to three shall be reported immediately in writing by the chairman of the board of commissioners to the Department of Health and Human Services. (1917, c. 170, s. 1; 1919, c. 46, s. 3; C.S., s. 5014; 1937, c. 319, s. 3; 1941, c. 270, s. 2; 1945, c. 47; 1953, c. 132; 1955, c. 249; 1957, c. 100, s. 1; 1959, c. 1255, s. 1; 1961, c. 186; 1963, c. 139; c. 247, ss. 1, 2; 1969, c. 546, s. 1; 1973, c. 476, s. 138; 1981, c. 275, s. 1; 1995 (Reg. Sess., 1996), c. 690, s. 6; 1997-443, s. 11A.118(a).)

§ 108A-3. Method of appointment; residential qualifications; fee or compensation for services; consolidated human services board appointments.

(a) **Three-Member Board.** - The board of commissioners shall appoint one member who may be a county commissioner or a citizen selected by the board; the Social Services Commission shall appoint one member; and the two members so appointed shall select the third member. In the event the two members so appointed are unable to agree upon selection of the third member, the senior regular resident superior court judge of the county shall make the selection.

(b) **Five-Member Board.** - The procedure set forth in subsection (a) shall be followed, except that both the board of commissioners and the Social Services Commission shall appoint two members each, and the four so appointed shall select the fifth member by majority vote of the membership. If a majority of the four are unable to agree upon the fifth member, the senior regular superior court judge of the county shall make the selection.

(c) **Provided further** that each member so appointed under subsection (a) and subsection (b) of this section by the Social Services Commission and by the county board of commissioners or the senior regular resident superior court judge of the county, shall be bona fide residents of the county from which they are appointed to serve, and will receive as their fee or compensation for their services rendered from the Department of Health and Human Services directly or indirectly only the fees and compensation as provided by G.S. 108A-8.

(d) **Consolidated Human Services Board.** - The board of county commissioners shall be the sole appointing authority for members of a consolidated human services board and shall appoint those members in accordance with G.S. 153A-77(c). (1917, c. 170, s. 1; 1919, c. 46, s. 3; C.S., s. 5014; 1937, c. 319, s. 3; 1941, c. 270, s. 2; 1945, c. 47; 1953, c. 132; 1955, c. 249; 1957, c. 100, s. 1; 1959,

Part 2. Taxes Levied.

§ 105-164.4. Tax imposed on retailers.

(a) A privilege tax is imposed on a retailer at the following percentage rates of the retailer's net taxable sales or gross receipts, as appropriate. The general rate of tax is four and three-quarters percent (4.75%).

- (1) The general rate of tax applies to the sales price of each item or article of tangible personal property that is sold at retail and is not subject to tax under another subdivision in this section.
- (1a) The general rate applies to the sales price of each manufactured home sold at retail, including all accessories attached to the manufactured home when it is delivered to the purchaser.
- (1b) The rate of three percent (3%) applies to the sales price of each aircraft or boat sold at retail, including all accessories attached to the item when it is delivered to the purchaser. The maximum tax is one thousand five hundred dollars (\$1,500) per article.
- (1c), (1d) and (1e) Repealed by Session Laws 2005-276, s. 33.4(b), effective January 1, 2006.
- (1f) **(See note for delayed repeal of subdivision)** The rate of two and eighty-three-hundredths percent (2.83%) applies to the sales price of electricity that is measured by a separate meter or another separate device and sold to a commercial laundry or to a pressing and dry-cleaning establishment for use in machinery used in the direct performance of the laundering or the pressing and cleaning service.
 - a. Repealed by Session Laws 2007-397, s. 10(b), effective October 1, 2007, and applicable to sales occurring on or after that date.
 - b. Repealed by Session Laws 2006-66, s. 24.19(a), effective July 1, 2007, and applicable to sales made on or after that date.
 - c. Repealed by Session Laws 2007-397, s. 10(b), effective October 1, 2007, and applicable to sales occurring on or after that date.
- (1g) Repealed by Session Laws 2004-110, s. 6.1, effective October 1, 2004, and applicable to sales of electricity made on or after that date.
- (1h) Expired pursuant to Session Laws 2004-110, s. 6.4, effective for sales made on or after October 1, 2007.
- (1i) Repealed by Session Laws 2007-397, s. 10(a), effective October 1, 2007, and applicable to sales occurring on or after that date.
- (1j) Repealed by Session Laws 2007-397, s. 10(f), effective July 1, 2010, and applicable to sales occurring on or after that date.
- (2) The applicable percentage rate applies to the gross receipts derived from the lease or rental of tangible personal property by a person who is engaged in the business of leasing or renting tangible personal property, or is a retailer and leases or rents property of the type sold by the retailer. The applicable percentage rate is the rate and the maximum tax, if any, that applies to a sale of the property that is leased or rented. A person who leases or rents property shall also collect the tax imposed by this section on the separate retail sale of the property.

- (3) A tax at the general rate applies to the gross receipts derived from the rental of an accommodation. The tax does not apply to (i) a private residence or cottage that is rented for fewer than 15 days in a calendar year; (ii) an accommodation rented to the same person for a period of 90 or more continuous days; or (iii) an accommodation arranged or provided to a person by a school, camp, or similar entity where a tuition or fee is charged to the person for enrollment in the school, camp, or similar entity.

Gross receipts derived from the rental of an accommodation include the sales price of the rental of the accommodation. The sales price of the rental of an accommodation is determined as if the rental were a rental of tangible personal property. The sales price of the rental of an accommodation marketed by a facilitator includes charges designated as facilitation fees and any other charges necessary to complete the rental.

A person who provides an accommodation that is offered for rent is considered a retailer under this Article. A facilitator must report to the retailer with whom it has a contract the sales price a consumer pays to the facilitator for an accommodation rental marketed by the facilitator. A retailer must notify a facilitator when an accommodation rental marketed by the facilitator is completed and the facilitator must send the retailer the portion of the sales price the facilitator owes the retailer and the tax due on the sales price no later than 10 days after the end of each calendar month. A facilitator that does not send the retailer the tax due on the sales price is liable for the amount of tax the facilitator fails to send. A facilitator is not liable for tax sent to a retailer but not remitted by the retailer to the Secretary. Tax payments received by a retailer from a facilitator are held in trust by the retailer for remittance to the Secretary. A retailer that receives a tax payment from a facilitator must remit the amount received to the Secretary. A retailer is not liable for tax due but not received from a facilitator. The requirements imposed by this subdivision on a retailer and a facilitator are considered terms of the contract between the retailer and the facilitator.

A person who, by written contract, agrees to be the rental agent for the provider of an accommodation is considered a retailer under this Article and is liable for the tax imposed by this subdivision. The liability of a rental agent for the tax imposed by this subdivision relieves the provider of the accommodation from liability. A rental agent includes a real estate broker, as defined in G.S. 93A-2.

The following definitions apply in this subdivision:

- a. Accommodation. - A hotel room, a motel room, a residence, a cottage, or a similar lodging facility for occupancy by an individual.
 - b. Facilitator. - A person who is not a rental agent and who contracts with a provider of an accommodation to market the accommodation and to accept payment from the consumer for the accommodation.
- (4) Every person engaged in the business of operating a dry cleaning, pressing, or hat-blocking establishment, a laundry, or any similar business, engaged in the business of renting clean linen or towels or wearing apparel, or any similar business, or engaged in the business of soliciting cleaning, pressing, hat

blocking, laundering or linen rental business for any of these businesses, is considered a retailer under this Article. A tax at the general rate of tax is levied on the gross receipts derived by these retailers from services rendered in engaging in any of the occupations or businesses named in this subdivision. The tax imposed by this subdivision does not apply to receipts derived from coin, token, or card-operated washing machines, extractors, and dryers. The tax imposed by this subdivision does not apply to gross receipts derived from services performed for resale by a retailer that pays the tax on the total gross receipts derived from the services.

- (4a) **(See note for delayed repeal of subdivision)** The rate of three percent (3%) applies to the gross receipts derived from sales of electricity, other than sales of electricity subject to tax under another subdivision in this section. A person who sells electricity is considered a retailer under this Article.
- (4b) A person who sells tangible personal property at a specialty market, other than the person's own household personal property, is considered a retailer under this Article. A tax at the general rate of tax is levied on the sales price of each article sold by the retailer at the specialty market. The term "specialty market" has the same meaning as defined in G.S. 66-250.
- (4c) The combined general rate applies to the gross receipts derived from providing telecommunications service and ancillary service. A person who provides telecommunications service or ancillary service is considered a retailer under this Article. These services are taxed in accordance with G.S. 105-164.4C.
- (4d) The sale or recharge of prepaid telephone calling service is taxable at the general rate of tax. The tax applies regardless of whether tangible personal property, such as a card or a telephone, is transferred. The tax applies to a service that is sold in conjunction with prepaid wireless calling service. Prepaid telephone calling service is taxable at the point of sale instead of at the point of use and is sourced in accordance with G.S. 105-164.4B. Prepaid telephone calling service taxed under this subdivision is not subject to tax as a telecommunications service.
- (5) Repealed by Session Laws 1998-212, s. 29A.1(a), effective May 1, 1999.
- (6) The combined general rate applies to the gross receipts derived from providing video programming to a subscriber in this State. A cable service provider, a direct-to-home satellite service provider, and any other person engaged in the business of providing video programming is considered a retailer under this Article.
- (6a) The general rate applies to the gross receipts derived from providing satellite digital audio radio service. For services received by a mobile or portable station, the service is sourced to the subscriber's business or home address. A person engaged in the business of providing satellite digital audio radio service is a retailer under this Article.
- (6b) The general rate applies to the sales price of digital property that is sold at retail and that is listed in this subdivision, is delivered or accessed electronically, is not considered tangible personal property, and would be taxable under this Article if sold in a tangible medium. The tax applies

regardless of whether the purchaser of the item has a right to use it permanently or to use it without making continued payments. The tax does not apply to a service that is taxed under another subdivision of this subsection or to an information service. The following property is subject to tax under this subdivision:

- a. An audio work.
 - b. An audiovisual work.
 - c. A book, a magazine, a newspaper, a newsletter, a report, or another publication.
 - d. A photograph or a greeting card.
- (7) The combined general rate applies to the sales price of spirituous liquor other than mixed beverages. As used in this subdivision, the terms "spirituous liquor" and "mixed beverage" have the meanings provided in G.S. 18B-101.
- (8) The general rate applies to the sales price of each modular home sold at retail, including all accessories attached to the modular home when it is delivered to the purchaser. The sale of a modular home to a modular homebuilder is considered a retail sale. A person who sells a modular home at retail is allowed a credit against the tax imposed by this subdivision for sales or use tax paid to another state on tangible personal property incorporated in the modular home. The retail sale of a modular home occurs when a modular home manufacturer sells a modular home to a modular homebuilder or directly to the end user of the modular home.
- (9) **(Effective July 1, 2014)** The combined general rate applies to the gross receipts derived from sales of electricity and piped natural gas.
- (10) The general rate of tax applies to admission charges to an entertainment activity listed in this subdivision. Offering any of these listed activities is a service. An admission charge includes a charge for a single ticket, a multioccasion ticket, a seasonal pass, an annual pass, and a cover charge.

An admission charge does not include a charge for amenities. If charges for amenities are not separately stated on the face of an admission ticket, then the charge for admission is considered to be equal to the admission charge for a ticket to the same event that does not include amenities and is for a seat located directly in front of or closest to a seat that includes amenities.

When an admission ticket is resold and the price of the admission ticket is printed on the face of the ticket, the tax does not apply to the face price. When an admission ticket is resold and the price of the admission ticket is not printed on the face of the ticket, the tax applies to the difference between the amount the reseller paid for the ticket and the amount the reseller charges for the ticket.

Admission charges to the following entertainment activities are subject to tax:

- a. A live performance or other live event of any kind.
 - b. A motion picture or film.
 - c. A museum, a cultural site, a garden, an exhibit, a show, or a similar attraction or a guided tour at any of these attractions.
- (11) The general rate of tax applies to the sales price of a service contract.

(b) The tax levied in this section shall be collected from the retailer and paid by him at the time and in the manner as hereinafter provided. Provided, however, that any person engaging or continuing in business as a retailer shall pay the tax required on the net taxable sales of such business at the rates specified when proper books are kept showing separately the gross proceeds of taxable and nontaxable sales of tangible personal property in such form as may be accurately and conveniently checked by the Secretary or his duly authorized agent. If such records are not kept separately the tax shall be paid as a retailer on the gross sales of business and the exemptions and exclusions provided by this Article shall not be allowed. The tax levied in this section is in addition to all other taxes whether levied in the form of excise, license or privilege or other taxes.

(c) Certificate of Registration. - Before a person may engage in business as a retailer or a wholesale merchant, the person must obtain a certificate of registration from the Department in accordance with G.S. 105-164.29. (1957, c. 1340, s. 5; 1959, c. 1259, s. 5; 1961, c. 826, s. 2; 1963, c. 1169, ss. 3, 11; 1967, c. 1110, s. 6; c. 1116; 1969, c. 1075, s. 5; 1971, c. 887, s. 1; 1973, c. 476, s. 193; c. 1287, s. 8; 1975, c. 752; 1977, c. 903; 1977, 2nd Sess., c. 1218; 1979, c. 17, s. 1; c. 22; c. 48, s. 1; c. 527, s. 1; c. 801, s. 73; 1981, c. 984, ss. 1, 2; 1981 (Reg. Sess., 1982), cc. 1207, 1273; 1983, c. 510; c. 713, ss. 89, 93; c. 805, ss. 1, 2; 1983 (Reg. Sess., 1984), c. 1065, ss. 1, 2, 4; c. 1097, ss. 6, 13; 1985, c. 704; 1985 (Reg. Sess., 1986), c. 925; c. 1005; 1987, c. 557, ss. 4, 5; c. 800, ss. 2, 3; c. 854, s. 1; 1987 (Reg. Sess., 1988), c. 1044, s. 4; 1989, c. 692, ss. 3.1, 3.3, 8.4(8); c. 770, s. 74.4; 1989 (Reg. Sess., 1990), c. 813, ss. 14, 15; 1991, c. 598, s. 5; c. 689, s. 311; c. 690, s. 1; 1993, c. 372, s. 1; c. 484, s. 2; 1995, c. 17, s. 6; c. 477, s. 1; 1996, 2nd Ex. Sess., c. 13, ss. 1.1, 9.1, 9.2; 1997-475, s. 1.1; 1998-22, s. 5; 1998-55, ss. 8, 14; 1998-98, ss. 13.2, 48(a), (b); 1998-121, ss. 3, 5; 1998-197, s. 1; 1998-212, s. 29A.1(a); 1999-337, ss. 29, 30; 1999-360, s. 3(a), (b); 1999-438, s. 1; 2000-140, s. 67(a); 2001-424, ss. 34.13(a), 34.17(a), 34.23(b), 34.25(a); 2001-430, ss. 3, 4, 5; 2001-476, ss. 17(b)-(d), (f); 2001-487, ss. 67(b), 122(a)-(c); 2002-16, s. 4; 2003-284, s. 38.1; 2003-400, s. 15; 2004-110, ss. 6.1, 6.2, 6.3; 2005-144, s. 9.1; 2005-276, ss. 33.1, 33.4(a), (b); 2006-33, ss. 2, 11; 2006-66, ss. 24.1(a), (b), (c), 24.19(a), (b); 2006-151, s. 3; 2007-145, s. 9(a); 2007-323, ss. 31.2(a), (b), 31.16.3(h), 31.16.4(g); 2007-397, s. 10(a)-(f); 2009-451, s. 27A.2(b), (e); 2010-31, s. 31.6(a); 2010-123, s. 10.2; 2011-330, s. 16; 2013-316, ss. 3.1(a), 4.1(c), (e), 5(b), 6(b); 2013-414, ss. 9, 40.)

WHAT ARE CITIZEN ADVISORY COUNCILS?

Citizen advisory councils have a primary role—to advise the Board of Commissioners in the determination of County policies and procedures.

Citizen advisory councils facilitate public participation and help assure that County government is responsive to its citizens.

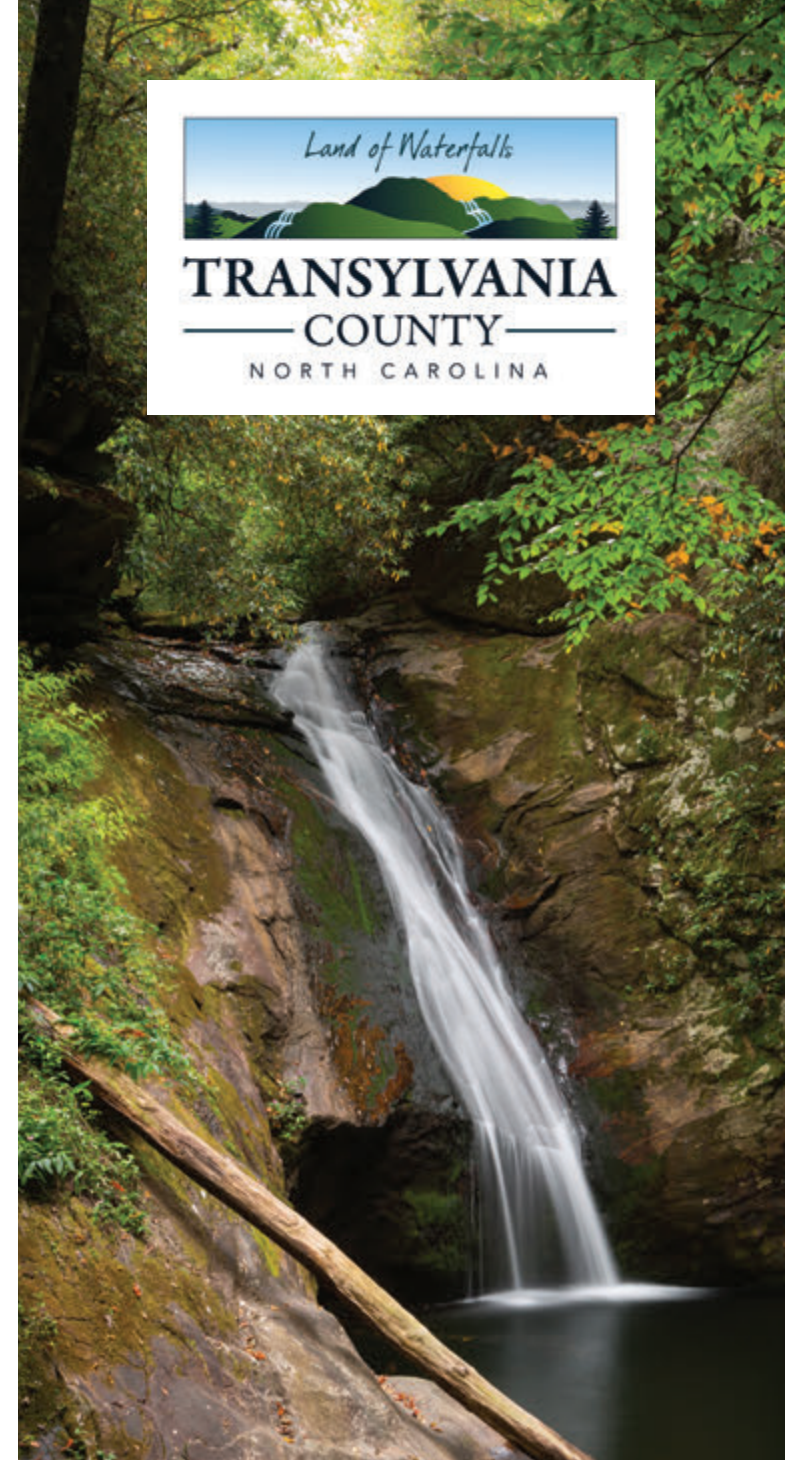


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Brevard, NC 28712

P: (828) 884-3100 | F: (828) 884-3119

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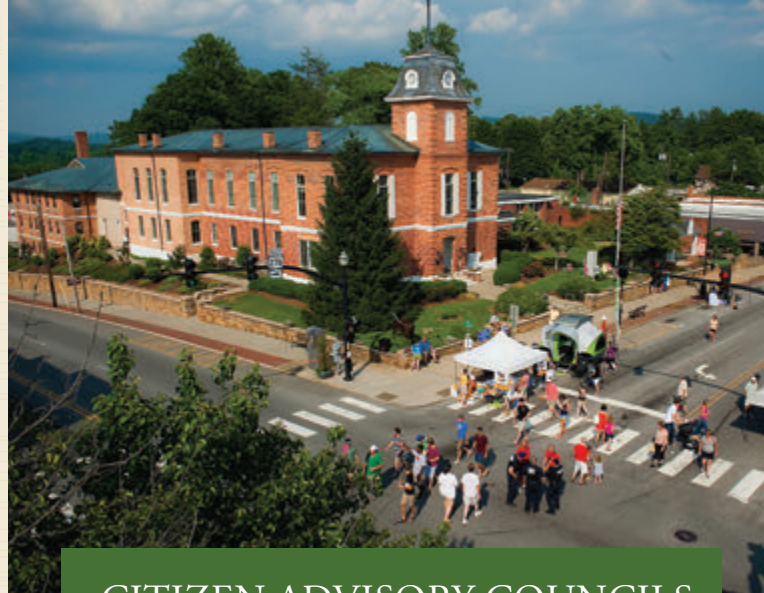


WELCOME! On behalf of the Transylvania County Board of Commissioners and County staff, we are pleased you are interested in becoming a member on one of the County's many citizen advisory councils. Our community prides itself on citizen involvement in all issues.

As a citizen member, you will serve in an advisory capacity to the Board of Commissioners, performing a valuable service by addressing community issues and needs. We look forward to your contribution as we work together to provide efficient County services, responsive to local needs and expectations.

The Board of Commissioners appreciates your willingness to work in this capacity and hopes your experience will be stimulating, rewarding and enjoyable. Transylvania County has an exciting future and we want you to be a part of it. Your valuable knowledge and expertise are essential as we prepare for the many challenges ahead.

Sincerely,
Jaime Laughter
Transylvania County Manager



CITIZEN ADVISORY COUNCILS

ABANDONED CEMETERIES BOARD: Protection and maintenance of abandoned cemeteries.

AGRICULTURAL ADVISORY BOARD: Encourages and protects economic viability of agricultural community.

BLUE RIDGE COMMUNITY COLLEGE BOARD OF TRUSTEES: Provides oversight for the operation of the college and administration of local and state policies and statutes.

BOARD OF EQUALIZATION & REVIEW: Reviews county tax records and hears appraisal appeals.

BOARD OF HEALTH: Protects and promotes the public health.

BREVARD BOARD OF ADJUSTMENT & APPEAL: Administrative review of appeals against code enforcement for City of Brevard.

BREVARD PLANNING & ZONING: Prepares and manages comprehensive plan for physical development of City of Brevard.

CHILD FATALITY PREVENTION TEAM/ COMMUNITY CHILD PROTECTION TEAM: Works in the prevention of child deaths and ensures appropriate community involvement in the protection of children.

COUNCIL ON AGING: Serves as an advocate for interests of all older adults in Transylvania County.

JOINT HISTORIC PRESERVATION

COMMISSION: Safeguards the heritage of the County by preserving any historic district or landmark that embodies important elements of its culture or history.

JURY COMMISSION: Responsible for preparation of jury list.

JUVENILE CRIME PREVENTION COUNCIL: Develops community-based delinquency and substance-abuse prevention strategies and programs.

LIBRARY BOARD OF TRUSTEES: Formulates programs, policies and regulations for the library.

NURSING & ADULT CARE HOMES ADVISORY COUNCIL: Works to ensure quality care for persons residing in long-term care facilities.

PARKS & RECREATION COMMISSION: Advises on matters related to parks and recreation facilities, recreation programs, and community health and wellness.

PERSONNEL BOARD: Performs such duties as assigned relating to County government personnel.

PLANNING BOARD: Develops and recommends policies for guiding development.

SOCIAL SERVICES BOARD: Helps ensure effectiveness, efficiency, fairness and excellence in the public social services system.

TOURISM DEVELOPMENT AUTHORITY: Promotes travel and tourism in the County.

TRANSPORTATION (ROADS) ADVISORY COMMITTEE: Advises on road-related concerns and makes recommendations for the State Transportation Improvement Plan.

TRANSYLVANIA NATURAL RESOURCES COUNCIL: Promotes education and understanding of County's natural resources.

WESTERN CAROLINA COMMUNITY ACTION BOARD OF TRUSTEES: Advises and manages programs designed to assist families and individuals to become independent and self-sufficient.

WORKFORCE DEVELOPMENT BOARD: Monitors and advises agencies receiving financial funding for workforce development purposes.

Apply online
www.transylvaniacounty.org

CAC	NCGS	County Ordinance or Resolution	Optional or Mandatory	Action required by NCGS	No CAC then reponsibility falls to	Pending Issues
Abandoned Cemeteries Board	65-1	Ordinance Chapter 5.1	Optional	Yes	BOCC	
Agricultural Advisory Board	106-739		Optional	No		
Blue Ridge Community College	115D-12		Mandatory when you have a community college in your county			
Board of Equalization & Review	105-322	Resolution 38-04	Mandatory		BOCC	Evaluate County Ordinance
Board of Health	130A-39		Mandatory			
Brevard Board of Adjustment & Appeal	160A-388		Optional	Under City Control		
Brevard Planning & Zoning	160A-361-362		Mandatory w/ETJ	Under City Control		
Child Fatality Prevention Team	Repealed by Session Laws 1998-202					
Community Appearance Initiative		Ordinance? Resolution? on August 14, 2006?	Optional			
Council on Aging	143b-181.1	Resolution 187-91	Land of Sky			
Human Relations Council	160A-492		Optional			
Joint Historic Preservation Commission	160A-400.1-14	Ordinance Chapter 16, Article IV	Optional	Yes	BOCC	
Jury Commisson	9/1/02		Mandatory			
Juvenile Crime Prevention Council	143b-846		Mandatory if we receive funding for juvenile court services & delinquency programs			
Library Board of Trustees	153-A263-272		Optional	Yes	BOCC	
Mountain Valleys Resource Conservation	Food & Agriculture Act of 1962	Now a free standing non-profit who collects member dues	Optional but we do have one board member, Chris Biecker			We haven't paid dues in 5 yrs
Nursing & Adult Care Homes Advisory	131E-124		Mandatory with the presence of nursing homes in the county			
Parks & Recreation Commission	160A-350	Ordinance Chapter 14	Optional			
Personnel Board	153A-95	Resolution 35 (July 25,1988)	Optional			Consider provisions of NCGS
Planning Board	153A-321-322	Ordinance Chapter 16, Article II and Article X, Section 6	Optional in absence of any zoning			
Social Services Board	108A		Mandatory			
Tourism Development Authority	105-164.4(3)	Resolution 53-86	Optional Board			
Transylvania Natural Resources Council		Ordinance? Resolution? on March 22, 2004	Optional			
Western Carolina Community Action	Federal regulations		Mandatory			
Workforce Development Board	143b-438.6		Mandatory			



TRANSYLVANIA

— COUNTY —

N O R T H C A R O L I N A

CITIZEN ADVISORY COUNCIL TRAINING

February 11, 2016

County Government

- ❑ Transylvania County operates under the County Manager form of government
- ❑ Board of Commissioners comprised of five members who are elected by the people and serve four-year staggered terms
- ❑ Board of Commissioners is the legislative and policymaking body for Transylvania County
- ❑ Board of Commissioners is responsible for establishing general policies for the County, enacting ordinances, resolutions, and orders, establishing the annual budget, authorizing contracts on the County's behalf, and appointing the Manager, Attorney, Tax Administrator and Clerk, and members of the various citizen advisory councils

County Government

The current County Commission members are:

- Mike Hawkins, Chair
- Larry Chapman, Vice-Chair
- Jason Chappell
- Page Lemel
- Kelvin Phillips

Citizen Advisory Council

Any committee, board, commission, council or other similar group established by statute or authority, comprised of citizen volunteers who advise the local government on community issues and needs.

Citizen Advisory Councils-Eligibility

- Any resident of Transylvania County over the age of 18 is eligible to be appointed to a CAC
- Exceptions to the residency requirements are noted separately for individual boards where this applies
- No resident of Transylvania County may serve in more than two appointed positions of Transylvania County government
- No resident may serve more than two consecutive full terms in any one position

Citizen Advisory Councils

- ❑ Abandoned Cemeteries Board
- ❑ Agricultural Advisory Board
- ❑ Area Council on Aging
- ❑ Blue Ridge Community College Board of Trustees
- ❑ Board of Equalization and Review
- ❑ Board of Health
- ❑ Brevard Board of Adjustment and Appeal (City)
- ❑ Brevard Planning and Zoning (City)
- ❑ Child Fatality Prevention Team/Community Child Protection Team
- ❑ County Council on Aging
- ❑ Joint Historic Preservation Commission
- ❑ Jury Commission
- ❑ Juvenile Crime Prevention Council
- ❑ Library Board of Trustees
- ❑ Nursing and Adult Care Advisory Committee
- ❑ Parks and Recreation Commission
- ❑ Personnel Board
- ❑ Planning Board/Board of Adjustment
- ❑ Social Services Board
- ❑ Tourism Development Authority
- ❑ Transportation Advisory Committee
- ❑ Transylvania Natural Resources Council
- ❑ Western Carolina Community Action Board of Directors
- ❑ Workforce Development Board

Citizen's Role and Authority



- Advise the Board of Commissioners in the determination of County policies and procedures
- Facilitate public discussion
- Members should stay informed on subjects of interest to their specific CAC
- Attendance is a fundamental responsibility

Citizen's Role and Authority

- Not involved in the administration or operation of County departments
- May not direct staff to initiate programs
- May not conduct studies or establish official policies without the approval of the Board of Commissioners

The Role of Citizen Advisory Councils

- Provides input to the Board of Commissioners
- Opens additional lines of communication between general public and Board
- Does not determine or establish County policy or administrative action
- Benefits:
 - ▣ Focuses attention on specific issue areas
 - ▣ Encourages citizen participation
 - ▣ Provides a viewpoint from community neighborhoods
 - ▣ Makes recommendations based on thorough and in-depth analysis of alternatives from a citizen's perspective

Guidelines for Citizen Members

- ❑ Present views and recommendations representing the CAC as a body, not as the individual's personal views
- ❑ Public statements should not include promises that may be construed to be binding to the Board, County staff or CAC
- ❑ CAC actions are recommendations; final action will be taken by the Board of Commissioners
- ❑ Each member should represent the overall “public good” and not an exclusive group or special interest

Guidelines for Citizen Members

- Work to establish a good relationship with other citizen members
- Familiarize themselves with County government, the administrative organization and CAC to which he or she has been appointed
- Always show respect for other individuals' viewpoints
- Allow other members adequate time to present their views
- Recognize new members and make them feel welcome
- Be open and honest
- Minimize political opinions among members

Roles and Responsibilities

- In order to conduct official business and vote on matters before the CAC, there must be a quorum of members in attendance
- Each CAC shall elect a presiding officer
- The chair is responsible for developing agendas, running the meeting, and providing leadership to the CAC
- Members will also elect their own vice-chair who will serve in the absence of the chair
- The CAC may elect other officers as it deems necessary
- Appointees are expected to attend all meetings possible

North Carolina Open Meetings Law

- All meetings of any CAC must be public meetings and open to the public at all times
- The CAC must provide reasonable notice of all such meetings so as to allow the public a chance to be present
- The minutes of any CAC must be recorded in a timely manner; they do not need to be verbatim; however, they should briefly summarize the events of the meeting

North Carolina Open Meetings Law

Name of Citizen Advisory Council

Meeting Minutes

- Date and time meeting convened and the meeting place
- Type of meeting (regular or special)
- The calling to order by the chairperson
- The roll call, including a list of the names of the members present and absent
- A listing of others in attendance at the meeting
- Approval of prior meeting minutes
- Substance of all matters proposed, discussed or decided and any motions made and voted upon by members
- If a vote is taken, the minutes must reflect each members' vote on the matter
- The substance of remarks made by members of the general public who address the CAC
- Any future meeting dates, times and locations
- The time of the adjournment
- The name of the individual taking the minutes

North Carolina Open Meetings Law

- ❑ The Open Meetings Law is applicable to elected and appointed citizen advisory councils
- ❑ Any gathering, whether formal or informal, of a majority of members of a CAC can be in violation of the NC Open Meetings Law
- ❑ Communications That May Be In Violation:
 - ❑ Written communications where comments are circulated to members
 - ❑ Telephone conversations among the members regarding the issues to be voted upon or to be discussed at future citizen advisory council meetings
 - ❑ Use of computers or other devices to convey messages or reports to other members

Public Records Law

- ❑ The Public Records Law determines what is to be considered a public record
- ❑ Any document such as agendas, back-up material, and minutes of the meetings would be open to public inspection
- ❑ NCGS defines public records as not only documents and papers, but also “maps, books, photographs, films, sound recordings, magnetic and other tapes, electronic data processing records, (and) artifacts...regardless of physical form or characteristics
- ❑ NCGS further defines public records as the items made or received pursuant to law or ordinance in connection with the transaction of public business

Conflict of Interest (NCGS 160A-75)

- ❑ The law requires that all CAC members disclose any financial interests they have, and they must abstain from participating in any matters before their CAC that may have an impact on their financial interest
- ❑ CAC members are required to abstain from voting if a conflict of interest is involved
- ❑ No member shall be excused from voting except upon matters involving a conflict of interest

Parliamentary Procedure

- ❑ All proposals for action should be made by making a motion; only one motion can be before the CAC at one time
- ❑ Before a motion may be discussed, a second to the motion is needed
- ❑ To make any changes to the motion, a motion to amend is in order
- ❑ To temporarily postpone a motion, usually to the next meeting, a motion to table the item to a date certain is in order
- ❑ A motion to recess is needed when a recess (or intermission) for a short time is requested
- ❑ A motion to adjourn occurs at the end of the meeting prior to all members leaving the meeting

Parliamentary Procedure

Motion	Description
To defer consideration	Defer substantive motion for later consideration at an unspecified time
Call for the previous question	Motion to end debate; not in order until there have been at least 20 minutes of debate and every member has had an opportunity to speak once
Refer to committee	May refer a substantive motion to a committee for its study and recommendations
Revive consideration	May revive consideration of any substantive motion earlier deferred
Reconsider	May vote to reconsider action on a matter; may only be made by a member who voted with the prevailing side
Rescind or repeal	May vote to rescind actions it has previously taken or to real items that it has previously adopted
Prevent reintroduction for 6 months	Motion shall be in order immediately following the defeat of a substantive motion
Renewal of motion	A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted
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



Questions?

Thank you for attending!



TRANSYLVANIA
— COUNTY —
NORTH CAROLINA

HANDBOOK

TRANSYLVANIA COUNTY CITIZEN ADVISORY COUNCILS

www.transylvaniacounty.org

MESSAGE FROM THE COUNTY MANAGER

WELCOME! On behalf of the Transylvania County Board of Commissioners and County staff, we are pleased you are interested in becoming a member on one of the County's many citizen advisory councils. Our community prides itself on citizen involvement in all issues.

As a citizen member, you will serve in an advisory capacity to the Board of Commissioners, performing a valuable service by addressing community issues and needs. Citizen advisory councils share a responsibility under State law to operate in support of open meetings and public records laws. County staff will work to help you understand those responsibilities and act as a resource when questions arise. We look forward to your contribution as we work together to provide efficient County services, responsive to local needs and expectations.

The Board of Commissioners appreciates your willingness to work in this capacity and hopes your experience will be stimulating, rewarding and enjoyable. Transylvania County has an exciting future and we want you to be a part of it. Your valuable knowledge and expertise are essential as we prepare for the many challenges ahead.

Sincerely,

Jaime Laughter

Jaime Laughter
Transylvania County Manager

Transylvania County Citizen Advisory Councils Handbook

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INTRODUCTION

Transylvania County invites you to participate in your local government by volunteering for a citizen advisory council. Join the team of more than 300 County employees, elected officials, members of citizen advisory councils, and other volunteers who make things happen for our community.

The Transylvania County Board of Commissioners has established a number of citizen advisory councils to review County programs, projects and community issues. These groups provide greater community participation and input into local government and facilitate quality decisions by the Board of Commissioners. These citizen advisory councils have been created by ordinance (law), resolution (policy), or by order adopted by the Board of Commissioners. They help provide direction for the allocation of funds, the provision of human services, the protection of citizens, property, and our natural resources, and for other worthy services. Therefore, the input of the citizen advisory councils is vitally important.

All applications are provided to the Board of Commissioners and every possible effort is made by the Commissioners to appoint qualified and interested volunteers and for the best benefit of every citizen. The Board makes every effort to notify the public when vacancies occur and appointments will be made.

Interested citizens should complete an application online via the County website at www.transylvaniacounty.org. Application forms may also be obtained from the Clerk to the Board, County Administration, 101 S. Broad Street, Brevard, NC 28712.

This handbook, designed as an informational tool to assist interested citizens, contains an overview of County government structure, and presents a statement of purpose, policies, and guidelines outlining the role, operation, and responsibilities of the County's citizen advisory councils. It also includes some of the rules which govern all citizen advisory councils, such as parliamentary procedures and North Carolina's Open Meetings Law.

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CITIZEN ADVISORY COUNCIL GUIDELINES

CITIZEN'S ROLE AND AUTHORITY

Citizen advisory councils have a primary role – to advise the Board of Commissioners in the determination of County policies and procedures. Citizen advisory councils facilitate public participation.

County staff members are available to provide general staff assistance to citizen advisory councils. However, citizen advisory councils are not involved in the administration or operation of County departments. Members may not direct administrative staff to initiate programs. Citizen advisory councils may not conduct major studies, or establish official policy without the approval of the Board of Commissioners.

Despite the differing tasks conducted by citizen advisory councils, they share some basic responsibilities. Members should stay informed on subjects of interest to their specific citizen advisory council. Conscientious attendance is also a fundamental responsibility, as irregular attendance lessens one's ability to study all aspects of items under consideration.

Application forms make it simple for individuals to volunteer for a citizen advisory council. Information on the application form is used by the Board of Commissioners in making appointments. The form will be kept on file for two years.

THE ROLE OF THE CITIZEN ADVISORY COUNCILS

Members of the various citizen advisory councils provide input to the Board of Commissioners, advising and assisting the Board in special issue areas. Opening additional lines of communication between the general public and the Board, such groups help assure that County government is responsive to citizens. While each citizen advisory council makes recommendations to the Board of Commissioners, they do not determine or establish County policy or administrative direction.

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Benefits of citizen advisory councils include:

- Focusing attention on specific issue areas
- Encouraging citizen participation
- Providing a viewpoint from community neighborhoods
- Making recommendations based on thorough and in-depth analysis of alternatives from a citizen's perspective

GUIDELINES FOR CITIZEN MEMBERS

Individual committee members should present views and recommendations representing the citizen advisory council as a body, not as the individual's personal views. Members expressing views not approved by the majority of a citizen advisory council should indicate their opinions are given as "private citizens". Individual opinions must be identified as such.

Public statements should not include promises that may be construed to be binding on the citizen advisory council, Board of Commissioners or County staff. When making a public statement, members should indicate that citizen advisory council actions are recommendations only and that final action will be taken by the Board of Commissioners.

Citizen advisory council members may be selected on the basis of representing defined groups; however, each member should represent the overall "public good" and not an exclusive group or special interest.

Citizen advisory council members should strive to:

- Work to establish a good relationship with other citizen members. The success or failure of a council's efforts may be dependent upon the degree of cooperation evident among the individual members of the body.
- Familiarize themselves with County government, the administrative organization and the citizen advisory council to which he or she has been appointed in order to gain the perspective necessary to make informed judgments and recommendations
- Always show respect for the other individuals' viewpoints
- Allow other members adequate time to present their views
- Recognize new members and make them feel welcome

-
- Be open and honest
 - Minimize political opinions among members

Citizen advisory council members are asked to appoint one of their members to take and transcribe minutes of their meetings, to be kept as permanent records in the office of the Clerk to the Board. (The following format should be useful as a guideline when preparing minutes.)

SAMPLE MINUTES

Format for Minutes

In order to comply with State law and to standardize the preparation and content of minutes for all citizen advisory councils, an outline for the minutes is included within this handbook. Minutes of the meetings are to be submitted to the Clerk to the Board of Commissioners as soon as possible so as to provide accurate record maintenance of all County meetings. Please use the following guideline when preparing the minutes. Any questions regarding the minutes or their preparation should be referred to the Clerk to the Board.

Name of Citizen Advisory Council **MEETING MINUTES**

- Date and time the meeting convened and the meeting place
- Type of meeting (regular or special)
- The calling to order by the Chairperson
- The roll call, including a listing of the names of the members present and absent
- A listing of others in attendance at the meeting
- Approval of prior meeting minutes
- Substance of all matters proposed, discussed or decided and any motions made and voted upon by the members
- If a vote is taken, the minutes must reflect each members' vote on the matter
- The substance of remarks made by members of the general public who address the council
- Any future meeting dates, times and locations

- The time of adjournment
- The name of the individual taking the minutes.

The minutes should be signed by the person taking the minutes and the council chairperson. Depending on the citizen advisory council, back up material (including minutes of prior meeting and agenda of the current meeting) should be provided at least a week before the meeting. This is not always possible; the information should be provided as soon as possible prior to the meeting.

RULES AND REGULATIONS

PARLIAMENTARY PROCEDURES

Robert's Rules of Order is a good source for members of citizen advisory councils. The following are the most common rules, which should be used when making motions:

- All proposals for action should be made by making a motion; only one motion can be before the citizen advisory council at one time.
- Before a motion may be discussed, a second to the motion is needed.
- To make any changes to the motion, a motion to amend is in order.
- To temporarily postpone a motion, usually to the next meeting, a motion to table the item to a date certain is in order.
- A motion to recess is needed when a recess (or intermission) for a short time is requested.
- A motion to adjourn occurs at the end of the meeting prior to all members leaving the meeting.

Here are other motions which are part of parliamentary procedure:

Motion	Description
To defer consideration	Defer substantive motion for later consideration at an unspecified time
Call for the previous question	Motion to end debate; not in order until there have been at least 20 minutes of debate and every member has had an opportunity to speak once

Refer to committee	May refer a substantive motion to a committee for its study and recommendations
Revive consideration	May revive consideration of any substantive motion earlier deferred
Reconsider	May vote to reconsider action on a matter; may only be made by a member who voted with the prevailing side
Rescind or repeal	May vote to rescind actions it has previously taken or to repeal items that it has previously adopted
Prevent reintroduction for 6 months	Motion shall be in order immediately following the defeat of a substantive motion
Renewal of motion	A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted
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

OPEN MEETINGS LAW

The North Carolina Open Meetings Law guarantees all North Carolina residents a right of access to government meetings and records; it contains several basic requirements, which are most important for members of citizen advisory councils to familiarize themselves with. Excerpts of the Law are in this handbook. A complete publication of the Open Meeting Law is provided to the chair of each citizen advisory council. A copy is also on file in the office of the Clerk to the Board and available for inspection.

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Basic Requirements of the Open Meetings Law

1. All meetings of any citizen advisory council must be public meetings and open to the public at all times.
2. The citizen advisory council must provide reasonable notice of all such meetings so as to allow the public a chance to be present.
3. The minutes of a meeting of any citizen advisory council must be recorded in a timely manner. The minutes do not need to be verbatim; however, they should briefly summarize the events of the meeting. A sample of minutes is included within this handbook under the Citizen Advisory Council Guidelines section.

The Open Meetings Law is applicable to elected and appointed citizen advisory councils.

Any gathering, whether formal or informal, of a majority of members of a citizen advisory council can be in violation of the North Carolina Open Meetings Law particularly if they discuss anything that may come up before the citizen advisory council in the foreseeable future. Even if a majority of the members of a citizen advisory council do not physically meet, but communicate through another means, they may be in violation of Open Meetings Law.

Communications That May Be In Violation

1. Written communications where comments are circulated to members
2. Telephone conversations among members regarding issues to be voted upon or to be discussed at future citizen advisory council meetings
3. Use of computers to convey messages or reports to other members

PUBLIC RECORDS LAW

The Public Records Law determines what is to be considered a public record. Any documents such as agendas, back-up material, and minutes of the meeting would be open to public inspection.

As a citizen advisory council member, one must disclose and submit as part of the official record any correspondence received, regardless of the physical form.

North Carolina General Statutes has a very broad definition of “public record”, generally unlimited by the form of the material in question or by the circumstances under which it was received or created. The statute begins by including within the definition not only documents and other papers, but also “maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, (and) artifacts...regardless of physical form or characteristics.” The statute then goes on to state that “public record” means the listed items “made or received pursuant to law or ordinance in connection with the transaction of public business”. The complete Public Records Law for North Carolina is on file in the office of the Clerk to the Board and available for inspection.

CONFLICT OF INTEREST (NCGS 160A-75)

This law requires that all citizen advisory council members disclose any financial interests they have, and they must abstain from participating in any matters before their citizen advisory council that may have an impact on their financial interest. In effect, if a citizen advisory council member does business with a person coming before the citizen advisory council, it is essential for that member to not participate in the proceedings, or he/she will be in violation of the law. Additionally, pursuant to this law, members of citizen advisory councils are required to abstain from voting if a conflict of interest is involved; this means that they may not vote on any matter, which may have an impact on themselves, on a family member, or on someone who retains their service.

No member shall be excused from voting except upon matters involving a conflict of interest. In all other cases, a failure to vote by a member who is physically present and has not been excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

CITIZEN ADVISORY COUNCILS

The following citizen advisory councils, appointed by the Board of Commissioners, provide for increased citizen input and participation in determining County policies and procedures:

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ABANDONED CEMETERIES BOARD

Creation:

- NCGS 65-1
- County Ordinance Chapter 5.1
- Bylaws of May 8, 1989

Purposes/Duties:

- Advisory to Board of Commissioners
- Reviews and maintains present list of cemeteries and determines which meet abandoned cemetery definition
- Determines County's role regarding protection and maintenance of abandoned cemeteries and recommends how the County can fulfill its obligation economically
- Lays out, defines and marks boundary lines of abandoned cemeteries
- Encourages protection and maintenance of abandoned cemeteries
- Develops public information program
- Investigates reported encroachments of abandoned cemeteries
- Prepares and keeps a list of all public cemeteries in the County on file in the Register of Deeds office

Membership and Member Qualifications:

- Not to exceed 5 members
- All members-at-large
- Members serve at the will of the Board of Commissioners until a replacement is needed
- Anniversary month is September

Meeting Schedule: The Abandoned Cemeteries Board meets at 11:00 a.m. on the second Wednesday of the months of March, June, September and November in the conference room of the Tax Administration Office located at 20 E. Morgan Street, Brevard.

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AGRICULTURAL ADVISORY BOARD

Creation:

- NCGS 106-739
- County Ordinance Chapter 16, Article VIII (05/11/96)

Purposes/Duties:

- Advisory to the Board of Commissioners on issues affecting the agricultural economy or activities within Transylvania County
- Facilitates communications with non-farming Transylvanians
- Protects the rural nature and character of the County
- Encourages and protects the economic viability of the agricultural community
- Increases the protection of the agricultural community from adverse complaints
- Increases identity and pride in the agricultural community and its way of life
- Reviews and approves or disapproves applications for qualified farmland and voluntary farmland districts
- Holds public hearings pursuant to ordinance

Membership and Member Qualifications:

- 7 members appointed by the Board of Commissioners
- 5 of the 7 members shall be actively engaged in farming; the others shall be from the non-farming community.
- Members serve a 3-year term (staggered), 2- term limit
- Terms expire in April
- Chair is elected annually by the membership

Meeting Schedule: The Agricultural Advisory Board meets the second Thursday of the months of January, March, May, July, September and November at 10:00 a.m. in the Community Services Building Conference Room, located at 98 E. Morgan St., Brevard.

BLUE RIDGE COMMUNITY COLLEGE BOARD OF TRUSTEES

Creation:

- NCGS 115D-12

Purposes/Duties:

- Carries out goals, philosophy and objectives of the college
- Employs and oversees chief executive
- Establishes comprehensive set of policies to govern college district
- Provides oversight for the operation of the college and the administration of local and state policies and statutes
- Responsible for the stewardship of the college's physical resources and property

Membership and Member Qualifications:

- 2 members appointed by the Board of Commissioners
- Members serve a 4-year term

Meeting Schedule: The Blue Ridge Community College Board of Trustees meets bimonthly on the second Wednesday of the month. Four of the meetings are held at the Flat Rock Campus. Two meetings per year are held at the Transylvania Campus. Meetings are open to the public. For further information, call 694-1705.

BOARD OF EQUALIZATION AND REVIEW

Creation:

- NCGS 105-322, Article 21
- Resolution 26-01 dated 12/10/01 and amended 01/28/02
- Resolution 38-04 dated 12/13/04

Purposes/Duties:

- Review county tax records for the current year (NCGS 105-322 (g)(1))
- Hear appeals from those who own or control taxable property with regard to the listing or appraisal of their property, or the property of other taxpayers (NCGS 105-322 (g)(2))

Membership and Member Qualifications:

- 5 member board appointed by the Board of Commissioners
- Staggered 3 year terms; no term limits
- Must have lived in the County for at least one year immediately preceding the appointment and own property in Transylvania County
- Chair appointed annually by Board of Commissioners

Meeting Schedule: The Board of Equalization and Review meets as needed to review records and hear appeals according to NCGS.

BOARD OF HEALTH

Creation:

- NCGS 130A-39
- Bylaws (07/11/00)

Purposes/Duties:

- Policymaking, rulemaking and adjudicatory body for County Health Department
- Responsibility to protect and promote the public health
- May impose a fee for services to be rendered by the Transylvania County Health Department

Membership and Member Qualifications:

- 11 members appointed by the Board of Commissioners according to categories (General Public, Physician, Dentist, Optometrist, Veterinarian, Registered Nurse, Pharmacist, County Commissioner, Professional Engineer)
- Members serve a 3-year term (staggered), 2-term limit; terms expire in December
- Members must live in the County
- The chair and vice-chair are appointed annually by its membership

Meeting Schedule: The Board of Health meets on the second Tuesday of each month at 6:00 p.m. in the Community Services Building, located at 98 E. Morgan St., Brevard.

BREVARD BOARD OF ADJUSTMENT & APPEAL

Creation:

- Governed by provisions of NCGS 160A-388
- City Ordinances

Purposes/Duties:

- Has powers and duties of administrative review of appeals against code enforcement officer
- To consider requests for variances from the provisions in the Zoning Ordinance and Flood Ordinance
- To interpret unclear parts of the Zoning Ordinance
- To hear and decide on waivers or delays in the paving requirements for driveway or parking areas
- To consider requests for special exception permits
- To hear appeals from the provisions in the Tree Protection Ordinance and in the Historic Districts and Landmarks Ordinance

Membership and Member Qualifications:

- 8 members: 2 members + 1 alternate appointed by the Board of Commissioners, and 3 members + 2 alternates appointed by the City of Brevard
- County representatives must live outside of Brevard City limits but within the area of extraterritorial jurisdiction (ETJ)
- Members serve a 3-year term (staggered), 2-term limits; terms expire in September
- The chair and vice chair are elected annually by its membership.

Meeting Schedule: Meetings for the Brevard Board of Adjustment & Appeal are held the second Tuesday of each month at 7:00 p.m. in the City Hall Council Chambers.

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BREVARD PLANNING & ZONING

Creation:

- NCGS 160A-361, 160A-362
- City Ordinance

Purposes/Duties:

- Advisory to the Board of Commissioners and Brevard City Council
- Prepares and manages a comprehensive and coordinated plan for the physical development of the area within the City and the extraterritorial area
- Establishes principles and policies for guiding action in the development of the area
- Recommends to the City Council proper and orderly development indicated in the comprehensive plan
- Determines whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of this area

Membership and Member Qualifications:

- 7 members: 3 members representing the County appointed by the Board of Commissioners, 4 members representing the City of Brevard appointed by City Council
- County representatives must live outside the Brevard City limits but within the area of extraterritorial jurisdiction (ETJ)
- Members serve a 3-year term (staggered), 2 term limit; terms expire in December
- The chair is elected annually by the membership from one of the members appointed by City Council

Meeting Schedule: Meetings of the Brevard Planning & Zoning Board are held on the third Tuesday of each month at 7:00 pm in the City Hall Council Chambers.

CHILD FATALITY PREVENTION TEAM

Creation:

- NCGS 143-576.1(b) and 143-576.3(1)

Purposes/Duties:

- Advisory to the Board of Commissioners
- Reviews medical examiner reports, death certificates and other records for deceased county residents under age 18
- Promotes understanding of the causes of childhood deaths
- Identifies deficiencies in the delivery of services to children and families by public agencies
- Makes and carries out recommendations for changes that will prevent future child deaths

Membership and Member Qualifications:

- 16 members on the local team, 4 members (by category) of which are appointed by the Board of Commissioners
- Members serve a 3-year term (staggered), no term limit
- Terms expire in June
- The chair is elected by members of the local team

Meeting Schedule: Local team shall meet at least four times each year. Contact 884-3135 for further information.

COMMUNITY CHILD PROTECTION TEAM

Creation:

- Executive Order No. 142 (05/01/91)
- NCGS 143-576.1 and 143.576.2

Purposes/Duties:

- Advisory to Department of Social Services
- Ensures appropriate community involvement in the protection of the children
- Assists the County Department of Social Services in evaluating allegations of maltreatment, and in planning and providing services to prevent further abuse or neglect

Membership and Member Qualifications:

- Membership includes Social Services Director, Social Services employee, local law enforcement, attorney from District Attorney's office, medical professional, executive director of community action agency, school superintendent or personnel, Social Services Board member, and 3-5 members appointed by the Board of Commissioners
- Members serve a 3-year term (staggered), no term limit
- Terms expire in July
- The chair shall be the Social Services Director

Meeting Schedule: Local team meets at least quarterly. Contact 884-3174 for more information.

COUNCIL ON AGING

Creation:

- Older Americans Act of 1965
- NCGS 143B-181.1, et. seq.
- Established by Resolution 187-91 (08/12/91) and amended 12/13/99, 05/13/02 and 08/12/02
- Bylaws dated 11/25/91 and amended 12/13/99, 05/13/02, 08/12/02, and 4/12/10

Purposes/Duties:

- Advisory to Land-of-Sky Regional Council
- Serves as an advocate for interests of all older adults in Transylvania County
- Brings existing programs, services and activities to the attention of agencies, organizations and citizens
- Creates awareness of existing and potential problems, and promotes and develops new programs to help meet these problems
- Assists lead agency for aging services in decision making activities
- Makes recommendations to the Board of Commissioners for appointments to the Regional Council on Aging
- Plans and coordinates the Home and Community Care Block Grant funding for aging services in Transylvania County.

Membership and Member Qualifications:

- 17 members
- Members serve a 3-year term (staggered), 2-term limit
- Terms expire in August
- The chair shall serve on the Area Council on Aging and is appointed annually by the membership
- The Senior Tar Heel Delegate is elected by the Tar Heel Legislature in January, for a term of two years.

Meeting Schedule: The Council on Aging meets the fourth Monday of the months of January, March, May, July, September, & November at 3:30 p.m. in the Social Services Building Conference Room.

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JOINT HISTORIC PRESERVATION COMMISSION

Creation:

- NCGS 160A-400.1-14
- Agreement Designating a Joint Historic Preservation Commission (06/07/93)
- County Ordinance Chapter 16, Article IV (11/14/94) and amended 12/09/96
- Bylaws (11/14/94)

Purposes/Duties:

- Advisory to the Board of Commissioners, the City of Brevard and the Town of Rosman
- Safeguards the heritage of the County by preserving any historic district or landmark therein that embodies important elements of its culture, history, architectural history or prehistory
- Promotes the use and conservation of such district or landmark for the education, pleasure and enrichment of the residents of the Town, City and County

Membership and Member Qualifications:

- 9 members appointed from the County, Brevard and Rosman
- Members shall demonstrate an interest, competence or knowledge in historic preservation, and shall show special interest, experience or education in history, architecture, archaeology or related fields
- Members serve a 3-year term (staggered), 2-term limit
- Terms expire in May
- Members serve without compensation except for out-of-pocket expenses
- The chair is appointed annually by its membership

Meeting Schedule: The Joint Historic Preservation Commission meets at 4:00 pm on the second Tuesday of each month in the Community Services Building Conference Room, located at 98 E. Morgan St., Brevard.

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JURY COMMISSION

Creation:

- NCGS 9-1 and 9-2

Purposes/Duties:

- Responsible for preparation of jury list using the voter registration records of the County or other sources as allowed by law
- Works with the Clerk of Superior Court

Membership and Member Qualifications:

- 3 members: 1 appointed by Board of Commissioners, 1 member appointed by the Resident Superior Court Judge and 1 member appointed by the Clerk of Superior Court
- Appointees must be qualified voters of the County
- Members serve a 2-year term, no term limit
- The term expires in June
- Compensation shall be fixed by the Board of Commissioners.

Meeting Schedule: The Jury Commission meets as needed.

JUVENILE CRIME PREVENTION COUNCIL

Creation:

- Juvenile Justice Reform Act of 1998
- NCGS 147-33.61, et. seq. (repealed effective 7/20/2000)
- NCGS 143B-543 (recodified as NCGS 143B-800-851 by S.L. 2011-145 effective 1/1/2012)

Purposes/Duties:

- Develops community-based delinquency and substance-abuse prevention strategies and programs
- Ensures that appropriate community-based intermediate dispositions for adjudicated juveniles are available

Membership and Member Qualifications:

- Up to 25 members appointed by the Board of Commissioners
- Composed of certain qualified people, and up to 7 members from the community-at-large
- Members serve a 2-year term (staggered), no term limit
- Terms expire in June
- The chair and vice chair are elected annually by the council membership

Meeting Schedule: The Juvenile Crime Prevention Council meets at 8:00 a.m. on the third Friday of each month in the Morris Education Center, located at 225 Rosenwald Lane, Brevard.

LIBRARY BOARD OF TRUSTEES

Creation:

- NCGS 153A-265 and – 266
- County Ordinance establishing the public library (06/28/82)
- Bylaws (01/21/1986, 09/14/2006, 01/15/2015)

Purposes/Duties:

- Advisory to the Board of Commissioners
- Formulates programs, policies and regulations for the library
- Makes annual report to Board of Commissioners

Membership and Member Qualifications:

- 6 member board, all citizens-at-large
- Members serve a 3-year term (staggered), 2-term limit
- Terms expire in July
- The chair is elected annually by its membership

Meeting Schedule: Meetings are held on the third Thursday of the months of January, March, May, July, September and November in the Connestee Conference Room on the second floor of the Transylvania County Library, located at 212 S. Gaston St., Brevard. The Library Foundation Board of Directors meets at 3:30 p.m. immediately followed by the Board of Trustees.

NURSING & ADULT CARE HOMES ADVISORY COUNCIL

Creation:

- House Bill 1098 (07/10/81)
- NCGS 131E-128

Purposes/Duties:

- Advisory to Land-of-Sky Regional Council
- Works to ensure quality care for persons residing in long-term care facilities
- Has legislative authority to monitor the Patients'/Residents' Bill of Rights
- Promotes community involvement and cooperation within the homes
- Provides public education pertaining to long-term care issues
- Assists residents/patients in grievance resolution
- Initial training is required, and members regularly visit nursing homes and adult care facilities in the County

Membership and Member Qualifications:

- 8 members appointed by the Board of Commissioners
- Members must live in Transylvania County and cannot have an interest in any of the County's facilities
- Members serve an initial term of 1 year; any subsequent term is for 3 years (staggered); no term limit
- Terms expire in June
- The chair is appointed annually by its membership

Meeting Schedule: The Nursing & Adult Care Homes Advisory Committee meets at 11:00 am on the second Monday of the months of January, April, July, and October at The Children's Center.

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PARKS AND RECREATION COMMISSION

Creation:

- By order of the Board of Commissioners on 2/24/2014 and effective 6/01/2014 to combine the Parks Commission and Recreation Advisory Board into the Parks and Recreation Commission

Purposes/Duties:

- Advisory to the Parks and Recreation Director and Board of Commissioners on matters related specifically to parks and recreation facilities, recreation programs, community health and wellness, special events, partner organizations, and related parks and recreation subjects

Membership and Member Qualifications:

- 9-members appointed by the Board of Commissioners
- Members serve a 3-year term (staggered); 2-term limit
- Terms expire in June
- Chair is elected annually by its membership

Meeting Schedule: The Parks and Recreation Commission meets at 6:30 p.m. on the third Tuesday of each month in the Transylvania Activity Center on Ecusta Road.

PERSONNEL BOARD

Creation:

- NCGS 153A-95
- Resolution #35 (07/25/88) and amended 01/28/97

Purposes/Duties:

- Advisory to the Board of Commissioners
- Performs such duties as assigned by the Board of Commissioners and/or the County Manager relating to personnel
- All actions and duties performed by the board shall be consistent with state law and may not supersede or abrogate the intent of state law or state personnel policies

Membership and Member Qualifications:

- 7 member board appointed by the Board of Commissioners
- Members serve a 3-year term (staggered), 2- term limit
- Terms expire in February
- The chair is elected annually by its membership

Meeting Schedule: The Personnel Board meets at 3:30 p.m. on the fourth Wednesday of the months of February, May, August and November in the Administration Building conference room, located at 101 S. Broad Street, Brevard.

PLANNING BOARD/BOARD OF ADJUSTMENT

Creation:

- NCGS 153A-321 & 153A-322
- County Ordinance Chapter 16, Article II (12/14/81) and amended 11/28/94
- Board of Adjustment enacted by the Pisgah Forest Community Zoning Ordinance effective 8/1/2010. Article X, Section 6.

Purposes/Duties:

- Advisory to the Board of Commissioners
- Gathers statistical information pertaining to areas within its jurisdiction
- Develops and recommends principles and policies for guiding development
- Prepares and maintains a comprehensive and coordinated plan for physical development
- Prepares and recommends ordinances promoting orderly development following the comprehensive plan, and determines whether proposed developments conform to the comprehensive plan
- Annually reviews comprehensive plan and submits in May of each year an annual report to the Board of Commissioners
- Also serves as the Board of Adjustment

Membership and Member Qualifications:

- 7 member board appointed by the Board of Commissioners
- Members serve a 3-year term (staggered), 2- term limit
- Terms expire in January
- The chair is appointed annually by its membership
- 2 alternates are also appointed by the Board of Commissioners to serve in the absence of a regular Board of Adjustment member
- Alternates shall serve 3-year terms

Meeting Schedule: The Planning Board meets at 7:00 pm on the third Thursday of each month in the Community Services Building conference room, located at 98 E. Morgan St. Brevard.

SOCIAL SERVICES BOARD

Creation:

- NCGS 108A

Purposes/Duties:

- Advisory to the Department of Social Services
- Hires and provides support and guidance for the Social Services Director
- Advises local authorities on social conditions and needs in the community
- Helps ensure effectiveness, efficiency, fairness and excellence in the public social services system

Membership and Member Qualifications:

- 5 member board: 2 members of which are appointed by the Board of Commissioners, 2 members who are appointed by the NC Social Services Commission, and 1 member who is elected by these 4 appointed members
- Members must live within Transylvania County
- Members serve a 3-year term (staggered), 2- term limit
- Terms expire in June
- The chair is elected annually by its membership.

Meeting Schedule: The Social Services Board meets at 9:00 a.m. on the fourth Tuesday of each month in the Social Services Building conference room, located at 106 E. Morgan St., Brevard.

TOURISM DEVELOPMENT AUTHORITY

Creation:

- Senate Bill 948 passed in 1985
- NCGS 105-164.4(3)
- Ordinance and Resolution (08/25/86)
- County Resolution 53-86 (11/22/86) and amended 02/25/91
- Bylaws dated 01/24/02

Purposes/Duties:

- Advisory to the Board of Commissioners
- Strengthens and balances Transylvania's economy by promoting travel and tourism in the County, thereby enhancing the economic well-being of our residents and ensuring a quality experience to our visitors

Membership and Member Qualifications:

- 7 member board consisting of 1 Commissioner, 1 City Councilman, 1 appointed by the Chamber of Commerce, 2 owners of hotels/motels/inns, and 2 interested in tourist business
- Members serve a 3-year term (staggered), 2- term limit
- Terms expire in December
- The chair is elected annually by its membership.

Meeting Schedule: The Tourism Development Authority meets at 8:30 a.m. on the fourth Thursday of each month in the Brevard/Transylvania County Chamber of Commerce conference room, located at 175 E. Main St., Brevard.

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TRANSPORTATION (ROADS) ADVISORY COMMITTEE

Creation:

- County Resolution 124-89 (5/08/1989) and amended 6/14/1993 and 6/12/2000

Purposes/Duties:

- Advisory to the North Carolina Department of Transportation and the Board of Commissioners
- Develops and maintains a comprehensive plan prioritizing and listing the road needs of the County
- Prepares and submits an annual road needs report and recommendations for the Transportation Improvement Plan (TIP)
- Serves as the contact point for citizens with road-related concerns and assists them to contact the proper agency or person to facilitate resolving their concerns

Membership and Member Qualifications:

- 9 member board appointed by the Board of Commissioners, with 1 appointed to represent City of Brevard and 1 appointed to represent Town of Rosman, based on recommendations from the City and Town
- Members serve 3-year terms (staggered); 2-term limit
- Terms expire in May
- Chair is appointed annually by the membership

Meeting Schedule: The Transportation Committee meets at 7:00 p.m. on the first Tuesday of the first month of each quarter (January, April, July & October) in the County Administration Building, 101 S. Broad St., Brevard.

TRANSYLVANIA NATURAL RESOURCES COUNCIL

Creation:

- Created on March 22, 2004 by the Board of Commissioners
- Bylaws approved 03/22/04, amended 11/9/15

Purposes/Duties:

- Advisory to the Board of Commissioners
- Studies, reviews and inventories Transylvania County's natural resources and recommends through the County Manager to the Board of Commissioners County policies, procedures, ordinances and changes to general statutes to responsibly manage the County's natural resources and promote the environment
- Promotes education and understanding of county's natural resources

Membership and Member Qualifications:

- 15 member board appointed by the Board of Commissioners
- Members serve a 3-year term (staggered), 2- term limit
- Terms expire in September
- The chair is appointed annually by its membership
- Orientation and annual training sessions are held in January

Meeting Schedule: The Transylvania Natural Resources Council meets at 9:00 a.m. on the second Friday of each month in the Community Services conference room, located at 98 E. Morgan St., Brevard.

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WESTERN CAROLINA COMMUNITY ACTION BOARD OF TRUSTEES

Creation:

- Federal Regulations, Title 45, Chapter X, Subpart 1062.2(i)

Purposes/Duties:

- Advises and manages programs designed to assist families and individuals to become independent and self-sufficient

Membership and Member Qualifications:

- 17 member regional board, of which 2 members are appointed by the Board of Commissioners
- Members serve a 3-year term
- Terms expire in August

Meeting Schedule: Meets the second Thursday of each month at 6:00 p.m. at the Lion's Den in Etowah.

WORKFORCE DEVELOPMENT BOARD

Creation:

- NCGS 143B-438.6, et seq.
- Workforce Investment Act of 1998
- Public Law 105-220
- Mountain Local Area Consortium Agreement (12/08/03)

Purposes/Duties:

- Advisory to the Board of Commissioners
- A Service Delivery Area which monitors and advises the area One-Stop Career Centers and all agencies receiving financial funding under the Workforce Investment Act

Membership and Member Qualifications:

- A 29-member regional board of which 4 members are appointed by the Board of Commissioners of Transylvania County
- Members serve a 3-year term (staggered), 2- term limit
- Terms expire in May

Meeting Schedule: The Workforce Development Board meets the last Tuesday of each month at 3:00 p.m. in the Mountain Area Joblink Career Center located in the Maple Building on the campus of AB Tech. For more information, call (828) 250-4760.

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STAFF FACILITATOR CONTACTS		
Citizen Advisory Council	Staff Facilitator	Phone #
Abandoned Cemeteries Board	Administration	884-3100
Agricultural Advisory Board	Soil & Water Conservation; County Extension Agent	884-3230; 884-3109
Blue Ridge Community College Board of Trustees	Blue Ridge Community College President	694-1705
Board of Equalization & Review	Tax Administrator	884-3200
Board of Health	Health Director	884-3135
Brevard Board of Adjustment & Appeal	City Planning Department	885-5630
Brevard Planning & Zoning	City Planning Department	885-5630
Child Fatality Prevention Team	Social Services	884-3174
Community Child Protection Team	Social Services	884-3174
Council on Aging	Social Services	884-3174
Joint Historic Preservation Commission	Planning & Community Development	884-3205
Jury Commission	Clerk of Superior Court	885-3000
Juvenile Crime Prevention Council	Administration	884-3100
Library Board of Trustees	Library Director	884-3151
Nursing & Adult Care Homes Advisory Council	Land-of-Sky Regional Council	251-6622
Parks & Recreation Commission	Parks & Recreation Director	884-3156
Personnel Board	Human Resources Director	884-3100
Planning Board	Planning & Community Development	884-3205
Social Services Board	Social Services Director	884-3174
Tourism Development Authority	Chamber of Commerce	883-3700
Transportation (Roads) Advisory Committee	Planning & Community Development	884-3205

Transylvania Natural Resources Council	County Extension Agent	884-3109
Western Carolina Community Action	Western Carolina Community Action	693-1711
Workforce Development Board	Mountain Area Workforce Development Board	251-7456

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COUNTY GOVERNMENT

ELECTED OFFICIALS

Transylvania County operates under the County Manager form of government. The Board of Commissioners is comprised of five members who are elected by the people in November of even-numbered years. Commissioners serve four-year staggered terms. None of the members of the Board of Commissioners are full-time officials and they may retain their positions in their chosen professions. The members shall receive for their services a salary as fixed and as provided by law.

The Board of Commissioners is the legislative and policymaking body for Transylvania County, and is the final authority on most matters relating to the County. The Board of Commissioners is responsible for establishing general policies for the County, enacting ordinances, resolutions, and orders, establishing the annual budget, authorizing contracts on the County's behalf, and appointing the County Manager, County Attorney, Tax Administrator, and the County Clerk, and members of the various citizen advisory councils. The Commission Chair serves as the official and ceremonial representative of County government and presides at all meetings and executes ordinances and various other documents.

The County Manager carries out the directives and policies established by the Board of Commissioners and manages the day-to-day operations of the County.

Regular meetings of the Board of Commissioners are held at 7:00 p.m. on the second and fourth Mondays of each month in the Commissioners' Chambers at County Administration, located at 101 S. Broad St., Brevard, NC. Special meetings may be called by the Board by placing notice of the time and place of the meeting and the subjects to be considered. All regular and special meetings are open to the public. If you cannot attend, you can view Commission meetings and workshops on the streaming video through the County's website, www.transylvaniacounty.org.

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The current County Commission members are:

Chair: Mike Hawkins

(828) 862-6670

Mike.hawkins@transylvaniacounty.org

Commissioner: Kelvin Phillips

(828) 883-9218

kelvin.phillips@transylvaniacounty.org

Vice-Chair: Larry Chapman

(828) 883-2075

Larry.chapman@transylvaniacounty.org

Commissioner: Page Lemel

(828) 884-9125

page.lemel@transylvaniacounty.org

Commissioner: Jason Chappell

(828) 553-0958

Jason.chappell@transylvaniacounty.org

COUNTY DEPARTMENTS/PHONES NUMBERS

Administration	884-3100
Animal Shelter	884-3713
Building Permitting (Inspections)	884-3209
Child Development	884-3232
Communications	884-3108
Community Development	884-3205
Cooperative Extension	884-3109
County Commissioners	884-3100
County Manager	884-3100
Elections	884-3114
Emergency Management	884-3108
Emergency Medical Services (EMS)	884-3244
Finance	884-3104
Fire Marshal	884-3108
Health Department	884-3135
Human Resources	884-3100
Information Technology	884-3222
Library	884-3151
Maintenance	884-3159
Parks and Recreation	884-3156
Planning	884-3205
Register of Deeds	884-3162

Sheriff's Office	884-3168
Social Services	884-3174
Soil and Water Conservation	884-3230
Calvert Convenience Center	883-3346
Connestee Falls Convenience Center	883-8848
Pisgah Forest Convenience Center	884-4849
Solid Waste	884-6830
Tax Assessor	884-3200
Tax Collector	884-3197
Transportation (Transport)	884-3203
Veterans Service	884-3276

POLICY AND PROCEDURES FOR APPOINTMENTS

Transylvania County Policy and Procedures for Appointments to County Boards, Commissions, Committees and Councils (Hereby referred to as Citizen Advisory Councils)

SECTION 1. Purpose and Philosophy

The operation of Transylvania County government is a shared responsibility of elected officials, staffs and many citizens who serve voluntarily on various boards, commissions, committees, and councils. The County is best served when there is broad representation of citizens and interests on the various Citizen Advisory Councils.

The Board of Commissioners believes it is important that the recruitment process be open, fair and equitable to all residents of the County who have a desire to serve on a Citizen Advisory Council.

It is the policy of the Board of Commissioners to appoint persons who have demonstrated:

- a. A personal interest in the appointment
- b. A commitment to fulfill the obligations of board membership
- c. The personal, educational and life experience qualifications to actively participate in board deliberations
- d. A history of good citizenship
- e. No potential conflict of interest in any activities of the appointive Citizen Advisory Council

SECTION 2. Eligibility for Appointment

Any resident of Transylvania County over the age of 18 is eligible to be appointed where such appointment is not prohibited by State statute. Exceptions to the residency requirement are noted separately for individual boards where this applies. A resident is defined as someone who lives in Transylvania County the majority of the year and claims Transylvania County as their domicile for legal purposes.

All appointments will be made according to the applicable statute, ordinance, resolution or policy that created the specific Citizen Advisory Council.

No resident of Transylvania County may serve in more than two (2) appointed positions of Transylvania County government unless exempted by nature of the position he or she may hold in governmental service.

No resident may serve more than two (2) consecutive full terms in any one position. The preferred length of terms is considered to be three years, unless specified otherwise, with terms staggered so that appointments are made each year. An individual whose initial appointment was to fill less than 50% of an unexpired term shall be eligible to serve two full terms. An individual whose initial appointment was to fill more than 50% of an unexpired term shall be eligible to serve only one full term.

This policy may be waived if the Board of Commissioners determines that the removal of a number of individuals made ineligible by this policy would be detrimental to the functioning of that Citizen Advisory Council.

A County Commissioner shall not serve as chairman or vice-chairman on any Citizen Advisory Council.

The Clerk to the Board will maintain a comprehensive list of all County appointments, with the following data provided:

- Name of the Citizen Advisory Council
- Brief description of its function
- Statute or cause creating the Citizen Advisory Council
- Number of members and terms of office
- Current members and terms of office, including number of terms served
- Regular meeting day, time, location, if determined

This list will be available upon request.

SECTION 3. Procedures for filling vacancies for appointed positions

At the beginning of each calendar quarter (January, April, July, October) the Clerk to the Board will send to the Board of Commissioners the following:

-
- a. List of all Citizen Advisory Council vacancies for the next quarter with the name of the individual currently filling the position and whether or not they are eligible for reappointment
 - b. Application deadline for each position

If a Citizen Advisory Council member's term is expiring and they are eligible for reappointment, the Clerk to the Board will confirm with the staff facilitator, the Chair of the Citizen Advisory Council and/or the individual member that individual's desire for reappointment. If the individual desires reappointment then the Clerk to the Board will request the Chair of the Citizen Advisory Council provide a recommendation to the Board of Commissioners as specified in Section 5.

At the beginning of each calendar quarter, the Clerk to the Board will publish notice of the Citizen Advisory Council vacancies for the following quarter along with the deadline for submitting applications in the local newspaper and on the Transylvania County website.

SECTION 4. Selection Process

The person interested in being considered for a specific appointive Citizen Advisory Council vacancy must complete the “Application for Membership on Transylvania County Boards” form (Attachment 1) which is available from the Transylvania County Clerk to the Board at 101 S. Broad St, Brevard, NC, or online at www.transylvaniacounty.granicus.com. All portions of the application must be filled out and the completed application submitted to the Clerk to the Board prior to the established deadline.

Applicants are strongly urged to attend several meetings of the Citizen Advisory Council they are interested in prior to applying and/or appointment to the Citizen Advisory Council.

Forty-five (45) days prior to the date a vacancy occurs, all applications for a particular position will be checked for eligibility by the Clerk to the Board. Once the eligibility is verified the Clerk to the Board will forward the applications to the

Chair of the Citizen Advisory Council with the vacancy, noting those who are ineligible, and the reasons for ineligibility.

Members of the Citizen Advisory Council will review the eligible applications. Citizen Advisory Council members may as part of this process interview applicants in person or via telephone or complete the evaluation process using just the written applications.

No later than twenty days (20) prior to the vacancy occurring, the Chair of the Citizen Advisory Council may submit to the Board of Commissioners, via the Clerk to the Board, a written recommendation with a ranking of the eligible candidates and the rationale leading to the ranking. All application packets will be returned to the Clerk to the Board. The eligible applications will be evaluated using the following criteria:

- a. Expertise. Consideration will be given to maintain a broad mix of occupational backgrounds and skill sets on all Citizen Advisory Councils.
- b. Board Experience. Consideration will be given to prior experience serving on a municipal, corporate, non-profit or military board/commission/council.
- c. Contributive Potential. It is essential that all Citizen Advisory Council members be active, engaged contributors to the council process. In order to do this, members must be able to analyze, plan, envision and communicate within the Citizen Advisory Council, to the Board of Commissioners and to the community-at-large. As such the following skills will be evaluated:
 1. Ability to communicate, expressing clear ideas, concepts or philosophies.
 2. Desire to perform public service
 3. Ability to analyze
 4. Ability to formulate a vision
 5. Ability to plan strategically
 6. Ability to generate ideas
 7. Desire to have a positive influence on the Citizen Advisory Council and future of the County
- d. Leadership Potential. Since each appointee may be called upon to serve as a Chair the following abilities will be evaluated:
 1. Past or present leadership experience and team building experience

-
- 2. Negotiation and consensus building skills
 - 3. Expressed interest in a leadership role
 - e. Diversity. Consideration will be given toward maintaining an equitable balance of community representation in regard to age, gender, race, geographic distribution and cultural diversity

Fifteen days (15) prior to the vacancy, the Clerk to the Board will forward all the applications (noting those which are ineligible and the reason for the ineligibility) along with the Citizen Advisory Council Chair's recommendation letter to the Board of Commissioners. The Board of Commissioners may at their discretion conduct additional interviews via telephone or in person.

The Board of Commissioners reserves the right to select the most qualified persons for appointment from the application list.

A copy of the information is to be placed on the agenda as the "Appointments" for action at the next meeting by the Board of Commissioners.

SECTION 5. Reappointment Criteria

When notified by the Clerk to the Board that a current Citizen Advisory Council member is eligible and wishes to be considered for reappointment, the Clerk will notify the Chair of the applicable Citizen Advisory Council. The Chair may forward a recommendation concerning reappointment of the member to the Board of Commissioners, via the Clerk to the Board, based on the following criteria:

- a. Understanding of Citizen Advisory Council function
- b. Demonstrated leadership
- c. Regularity of attendance
- d. Demonstrated contribution during past term of office on issues, programs, policies, etc. of the Citizen Advisory Council
- e. Objectivity

SECTION 6. Notification

The Clerk to the Board shall prepare a letter of notification to the appointee and a copy to the Chair of the applicable Citizen Advisory Council. This letter will include a congratulatory statement, the time, date, and place of the first meeting

he/she is to begin service, and when and where he/she is to be sworn in, if this is required.

SECTION 7. Applications

All applications received shall be retained for two (2) years. Applications shall be kept on file for all active appointees. The applications on file will be treated as public record.

SECTION 8. Roles and Responsibilities

Each Citizen Advisory Council shall elect from its membership a presiding officer who shall be referred to as chairman, chairwoman, or chairperson, as determined appropriate by the Citizen Advisory Council, and such officer shall serve for one year. State statutes designate the chair for a few boards. The chair is responsible for developing agendas, running the meeting, and providing leadership to the Citizen Advisory Council. The Citizen Advisory Council may elect other officers as it deems necessary and such offices shall be set forth in the rules of procedure adopted by the Citizen Advisory Council.

Members will also elect their own vice-chair who will serve in the absence of the chair.

Appointees are expected to attend all meetings possible.

If an appointee has unexcused absences which constitute more than 25% of the Citizen Advisory Council meetings in any year which he/she is required to attend pursuant to his/her appointment, he/she is obligated to resign. The Chair of the Citizen Advisory Council will notify the appointing authority if a member is absent 25% of the meetings and an appointment will be made by the appointing authority to fill that vacancy.

Excused absences are defined as absences caused by events beyond one's control. If the individual refuses to resign, he/she may be dismissed by action of the Board of Commissioners subject to State or local law. A year is to be defined as a twelve-(12) month period beginning on the date of appointment.

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When a matter in which members have a direct or indirect financial interest comes before a Citizen Advisory Council, the member must disqualify themselves from participating in deliberation and abstain from voting. After making such a disqualifying statement, the member should leave the table and return only upon conclusion of the matter. If there is any doubt as to whether to abstain the County Attorney should be consulted.

Any member of a Citizen Advisory Council who wishes to resign shall do so in writing to the Chair of the Advisory Council on which he or she serves, noting the effective date of the resignation. The Chair will forward the resignation letter to the Board of Commissioners with a copy sent to the Clerk to the Board.

SECTION 9. Meeting Requirements

Every Citizen Advisory Council is required to operate under the North Carolina Open Meetings Law as required by statute.

A notice of all regular and special meetings shall be announced/advertised as required by the North Carolina Open Meetings Law. All Citizen Advisory Council must establish a regular meeting schedule and it should be posted at the beginning of each year with the local newspaper in circulation and on the County website.

Minutes shall be kept of each meeting of all Citizen Advisory Councils. It shall be the duty of the Chair and the staff liaison to forward an official copy of the approved minutes to the Clerk to the Board for forwarding to the Board of Commissioners.

Each Citizen Advisory Council shall submit an annual report to the Board of Commissioners outlining their activities for the past year. The report shall be sent to the Board of Commissioners via the Clerk to the Board by January 30 for the previous calendar year.

A quorum for a meeting shall consist of one more than half the voting members unless specified otherwise.

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Decisions shall be 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 North Carolina Open Meetings Law. No issues can be voted upon unless a quorum is present.

SECTION 10. Orientation and Training

Upon appointment, members of Citizen Advisory Councils shall be issued a Citizen Advisory Council Member Handbook.

Twice a year the Transylvania County Board of Commissioners shall make training available. Each member of a Citizen Advisory Council shall attend the training within six (6) months of his/her appointment. Participation in training may impact a member's ability to serve on a Citizen Advisory Council.

Adopted and approved by the Board of Commissioners
February 23, 2015

S/Mike Hawkins, Chair

Attest:

S/Trisha Hogan
Clerk to the Board

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**TRANSYLVANIA COUNTY, NC
APPLICATION TO SERVE ON
CITIZEN ADVISORY COUNCIL**

The Transylvania Board of County Commissioners wants to ensure that their appointments to Transylvania County citizen advisory councils will best serve the public interest of the County as well as be representative of a broad cross-section of the community. We ask you to provide us with the information below that will best assist us in evaluating your application.

Note: When submitted all information on this form becomes public record.

NAME: _____ **DATE:** _____

PHYSICAL ADDRESS: _____

MAILING ADDRESS: _____

TELEPHONE: _____ **EMAIL:** _____

PLACE OF EMPLOYMENT: _____

COUNTY RESIDENT: Y N

A resident is defined as someone who lives in Transylvania County the majority of the year and claims Transylvania County as their domicile for legal purposes.

NAME OF CITIZEN ADVISORY APPLYING FOR: (You can apply for a maximum of 2 citizen advisory councils. Please list in order of preference. Listing of citizen advisory councils can be found at in this handbook or at www.transylvaniacounty.org.

PREVIOUS COUNCIL AND/OR LEADERSHIP EXPERIENCE (INCLUDE ANY COUNTY, CITY, NON-PROFIT OR EMPLOYMENT RELATED LEADERSHIP POSITIONS OR COUNCILS YOU HAVE SERVED ON AS A MEMBER OR CHAIR:

COMMUNITY INVOLVEMENT: _____

WHAT EXPERIENCE, TRAINING OR QUALIFICATIONS DO YOU HAVE THAT WOULD BE HELPFUL SERVING ON THIS COUNCIL?

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**WHY DO YOU WANT TO BE A MEMBER OF THIS COUNCIL AND HOW DO YOU
FEEL YOU COULD CONTRIBUTE TO THE OVERALL COUNCIL?**

WHAT COMMUNITY TOPICS CONCERN YOU THAT RELATE TO THIS COUNCIL?

**CITIZEN ADVISORY COUNCILS MAY MEET IN THE MORNING, AFTERNOON OR
EVENING HOURS. WHAT LIMITATIONS DO YOU HAVE FOR ATTENDING
MEETINGS?**

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HOW DID YOU FIND OUT ABOUT THIS CITIZEN ADVISORY COUNCIL? (PLEASE CIRCLE ONE)

NEWSPAPER, EMAIL, FRIEND, TV, INTERNET, CURRENT MEMBER,
BROCHURE, POSTER, RADIO, SPEAKER AT EVENT, OTHER

SIGNATURE _____ **DATE** _____

Note: When submitted all information on this form becomes public record.

APPLY ONLINE AT WWW.TRANSYLVANIACOUNTY.ORG

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FREQUENTLY ASKED QUESTIONS

Q. How often does my citizen advisory council meet?

A. The number of times a citizen advisory council meeting depends on its area of service, goals and mission. Please check with your staff liaison regarding meeting times, dates and location.

Q. What if I miss a meeting?

A. If an appointee has unexcused absences which constitute more than 25% of the citizen advisory council meetings in any year which he/she is required to attend pursuant to his/her appointment, he/she is obligated to resign. This is because a citizen advisory cannot meet and take action if it does not have enough members present for a quorum (a quorum is more than 50% of the members).

Q. How long will I serve?

A. No resident may serve more than two (2) consecutive full terms in any one position. The preferred length of terms is considered to be three years, unless specified otherwise, with terms staggered so that appointments are made each year. An individual whose initial appointment was to fill less than 50% of an unexpired term shall be eligible to serve two full terms. An individual whose initial appointment was to fill more than 50% of an unexpired term shall be eligible to serve only one full term.

Q. What if I can't finish my term?

A. Submit a letter of resignation to your County staff liaison and copy the Clerk to the Board.

Q. How is an "Alternate" different from other council members?

A. As alternate, you are subject to the same attendance rules as all other members. You will be welcome to join in the discussion at each meeting, but you cannot make a motion, second a motion, or vote unless one or more voting members are absent.

Q. May I serve another term?

A. We hope this will be a rewarding experience for you and for County government. You will be contacted by County staff near the end of your term and

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asked if you would like to serve another term. Members appointed to citizen advisory councils should generally serve a maximum of two (2) terms. The Board of Commissioners may make exceptions to this general policy on a case-by-case basis.

Q. May I serve on more than one citizen advisory council at a time?

A. No resident of Transylvania County may serve in more than two (2) appointed positions of Transylvania County government unless exempted by nature of the position he or she may hold in governmental service.

Q. Who do I call if I have a question about citizen advisory council procedures or need more information on some aspect of County operations?

A. A County representative is present at most citizen advisory council meetings. This person will assist you in getting the information you and your citizen advisory council members need. County staff members can be reached typically Monday-Friday, 8:30 a.m. to 5:00 p.m. A list of departmental phone numbers is included in this handbook.

This handbook approved by the Transylvania County Board of Commissioners on March 14, 2016.

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Transylvania County
Policy and Procedures for Appointments to
County Boards, Commissions, Committees and Councils
(Hereby referred to as Citizen Advisory Councils)

SECTION 1. Purpose and Philosophy

The operation of Transylvania County government is a shared responsibility of elected officials, staffs and many citizens who serve voluntarily on various boards, commissions, committees, and councils. The County is best served when there is broad representation of citizens and interests on the various Citizen Advisory Councils.

The Board of Commissioners believes it is important that the recruitment process be open, fair and equitable to all residents of the County who have a desire to serve on a Citizen Advisory Council.

It is the policy of the Board of Commissioners to appoint persons who have demonstrated:

- a. A personal interest in the appointment
- b. A commitment to fulfill the obligations of board membership
- c. The personal, educational and life experience qualifications to actively participate in board deliberations
- d. A history of good citizenship
- e. No potential conflict of interest in any activities of the appointive Citizen Advisory Council

SECTION 2. Eligibility for Appointment

Any resident of Transylvania County over the age of 18 is eligible to be appointed where such appointment is not prohibited by State statute. Exceptions to the residency requirement are noted separately for individual boards where this applies. A resident is defined as someone who lives in Transylvania County the majority of the year and claims Transylvania County as their domicile for legal purposes.

All appointments will be made according to the applicable statute, ordinance, resolution or policy that created the specific Citizen Advisory Council.

No resident of Transylvania County may serve in more than two (2) appointed positions of Transylvania County government unless exempted by nature of the position he or she may hold in governmental service.

No resident may serve more than two (2) consecutive full terms in any one position. The preferred length of terms is considered to be three years, unless specified otherwise, with terms staggered so that appointments are made each year. An individual whose initial appointment was to fill less than 50% of an unexpired term shall be eligible to serve two full terms. An individual whose initial appointment was to fill more than 50% of an unexpired term shall be eligible to serve only one full term.

This policy may be waived if the Board of Commissioners determines that the removal of a number of individuals made ineligible by this policy would be detrimental to the functioning of that Citizen Advisory Council.

A County Commissioner shall not serve as chairman or vice-chairman on any Citizen Advisory Council.

The Clerk to the Board will maintain a comprehensive list of all County appointments, with the following data provided:

- a. Name of the Citizen Advisory Council
- b. Brief description of its function
- c. Statute or cause creating the Citizen Advisory Council
- d. Number of members and terms of office
- e. Current members and terms of office, including number of terms served
- f. Regular meeting day, time, location, if determined

This list will be available upon request.

SECTION 3. Procedures for filling vacancies for appointed positions

At the beginning of each calendar quarter (January, April, July, October) the Clerk to the Board will send to the Board of Commissioners the following:

- a. List of all Citizen Advisory Council vacancies for the next quarter with the name of the individual currently filling the position and whether or not they are eligible for reappointment
- b. Application deadline for each position

If a Citizen Advisory Council member's term is expiring and they are eligible for reappointment, the Clerk to the Board will confirm with the staff facilitator, the Chair of the Citizen Advisory Council and/or the individual member that individual's desire for reappointment. If the individual desires reappointment then the Clerk to the Board will request the Chair of the Citizen Advisory Council provide a recommendation to the Board of Commissioners as specified in Section 5.

At the beginning of each calendar quarter, the Clerk to the Board will publish notice of the Citizen Advisory Council vacancies for the following quarter along with the deadline for submitting applications in the local newspaper and on the Transylvania County website.

SECTION 4. Selection Process

The person interested in being considered for a specific appointive Citizen Advisory Council vacancy must complete the "Application for Membership on Transylvania County Boards" form (Attachment 1) which is available from the Transylvania County Clerk to the Board at 101 S. Broad St, Brevard, NC, or online at www.transylvaniacounty.org. All portions of the application must be filled out and the completed application submitted to the Clerk to the Board prior to the established deadline.

Applicants are strongly urged to attend several meetings of the Citizen Advisory Council they are interested in prior to applying and/or appointment to the Citizen Advisory Council.

Forty-five (45) days prior to the date a vacancy occurs, all applications for a particular position will be checked for eligibility by the Clerk to the Board. Once the eligibility is verified the Clerk to the Board will forward the applications to the Chair of the Citizen Advisory Council with the vacancy, noting those who are ineligible, and the reasons for ineligibility.

Members of the Citizen Advisory Council will review the eligible applications. Citizen Advisory Council members may as part of this process interview applicants in person or via telephone or complete the evaluation process using just the written applications.

No later than twenty days (20) prior to the vacancy occurring, the Chair of the Citizen Advisory Council may submit to the Board of Commissioners, via the Clerk to the Board, a written recommendation with a ranking of the eligible candidates and the rationale leading to the ranking. All application packets will be returned to the Clerk to the Board. The eligible applications will be evaluated using the following criteria:

- a. Expertise. Consideration will be given to maintain a broad mix of occupational backgrounds and skill sets on all Citizen Advisory Councils.
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- e. Diversity. Consideration will be given toward maintaining an equitable balance of community representation in regard to age, gender, race, geographic distribution and cultural diversity

Fifteen days (15) prior to the vacancy, the Clerk to the Board will forward all the applications (noting those which are ineligible and the reason for the ineligibility) along with the Citizen Advisory Council Chair's recommendation letter to the Board of Commissioners. The Board of Commissioners may at their discretion conduct additional interviews via telephone or in person.

The Board of Commissioners reserves the right to select the most qualified persons for appointment from the application list.

A copy of the information is to be placed on the agenda as the "Appointments" for action at the next meeting by the Board of Commissioners.

SECTION 5. Reappointment Criteria

When notified by the Clerk to the Board that a current Citizen Advisory Council member is eligible and wishes to be considered for reappointment, the Clerk will notify the Chair of the applicable Citizen

Advisory Council. The Chair may forward a recommendation concerning reappointment of the member to the Board of Commissioners, via the Clerk to the Board, based on the following criteria:

- a. Understanding of Citizen Advisory Council function
- b. Demonstrated leadership
- c. Regularity of attendance
- d. Demonstrated contribution during past term of office on issues, programs, policies, etc. of the Citizen Advisory Council
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SECTION 6. Notification

The Clerk to the Board shall prepare a letter of notification to the appointee and a copy to the Chair of the applicable Citizen Advisory Council. This letter will include a congratulatory statement, the time, date, and place of the first meeting he/she is to begin service, and when and where he/she is to be sworn in, if this is required.

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All applications received shall be retained for two (2) years. Applications shall be kept on file for all active appointees. The applications on file will be treated as public record.

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Members will also elect their own vice-chair who will serve in the absence of the chair.

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only upon conclusion of the matter. If there is any doubt as to whether to abstain the County Attorney should be consulted.

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A notice of all regular and special meetings shall be announced/advertised as required by the North Carolina Open Meetings Law. All Citizen Advisory Council must establish a regular meeting schedule and it should be posted at the beginning of each year with the local newspaper in circulation and on the County website.

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Each Citizen Advisory Council shall submit an annual report to the Board of Commissioners outlining their activities for the past year. The report shall be sent to the Board of Commissioners via the Clerk to the Board by January 30 for the previous calendar year.

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SECTION 10. Orientation and Training

Upon appointment, members of Citizen Advisory Councils shall be issued a Citizen Advisory Council Member Handbook.

Twice a year the Transylvania County Board of Commissioners shall make training available. Each member of a Citizen Advisory Council shall attend the training within six (6) months of his/her appointment. Participation in training may impact a member's ability to serve on a Citizen Advisory Council.


Upon adoption of this resolution, all preceding resolutions and policies dealing with procedures for appointment to Transylvania County boards, committees, commissions, or councils shall be repealed.

Adopted and approved this the 23 day of February, 2015.



Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:



Trisha M. Hogan, Clerk to the Board

School of Government Resources

- Simple Self-Assessment tool for advisory boards This is a simple self-assessment tool that could be used with an advisory board, with some tweaking to reflect any unique circumstances. This was created in an on-line survey so that the results could be easily collected into a single report. It works best to have a skilled facilitator present for the discussion that follows.
- Discussion guide for improving advisory board performance. This is a discussion guide, not a survey tool. It can be provided ahead of the discussion for note-taking purposes. Its success depends on participants being willing and feeling safe enough to speak up within the group.

Self-Assessment Discussion Guide for Citizen Advisory Boards

How's It Working For You? For Us? For Our Community?

Sample Functions and Relationships	Among the Board Members	Between the Board Members and Staff	Between the Board Members and Elected Officials	Between the Board Members and Residents of Our Community
Preparing for meetings				
During the meetings				
After the meetings				
Making or upholding decisions				
Formal or informal communication				
Seeking or receiving new information				
Stewardship of resources				
Relationships external to the local government				
Holding ourselves accountable to our values, goals, or decisions				
What else?				

Simple Advisory Board Self-Assessment

Purpose:

This brief self-assessment is intended to both gather collective feedback about the current effectiveness of the --- advisory board and to stimulate your thoughts and discussion about what might be done to strengthen your performance and partnerships in the future.

Completing the survey:

Type on this document, and return it to ---

Comments:

Add any comments you wish in the space provided. ALL comments will be shared as written in a collective report, but comments will NOT be attributed to particular individuals.

The Summary:

The report of this self-assessment will include three parts:

- (1) the total number of responses received from the board,
- (2) a numeric account of the ranking for each question (three board members strongly agreed, two were neutral, etc.), and
- (3) the collection of comments made for each question.

The names of respondents will not be reported. The comments will not be attributed to the respondents who made them.

1. When I began my term as an advisory board member, I received the orientation I needed so that I could be effective in my role.				
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Comments on Question #1:				
2. I now fully understand my legal and functional roles and responsibilities as an advisory board member.				
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Comments on Question #2:				
3. As an advisory board, in our actions and discussions, we understand and respect the difference between the responsibilities of the board, staff, and elected officials.				
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Comments on Question #3:				

4. As an advisory board, I believe we are successful in balancing the interests of particular groups of citizens and the community at large.				
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Comments on Question #4:				
5. As an advisory board, we contribute our skills and perspectives in positive and appropriate ways for the success of the organization.				
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Comments on Question #5:				
6. As an advisory board, we are prepared for meetings and have read materials in advance.				
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Comments on Question #6:				
7. In our board and committee meetings, we are able to openly express our differences of opinion in respectful ways.				
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Comments on Question #7:				
8. I am satisfied with the way we choose topics for discussion at the board meetings.				
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Comments on Question #8:				
9. I am satisfied with the content and length of our discussions at board and committee meetings.				
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Comments on Question #9:				
10. The information we need in to make informed decisions is presented in a timely manner and useful format.				
Strongly	Disagree	Neutral	Agree	Strongly

Disagree				Agree
Comments on Question #10:				
11. I leave meetings with a clear sense of what was decided and who is responsible for what will happen next.				
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Comments on Question #11:				
12. We have a clear understanding about the function and authority of board committees.				
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Comments on Question #12:				
13. I understand what the likely challenges facing my board and our issue are in the next three years, as well as what we will do to address them.				
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Comments on Question #13:				
14. The amount of time I invest in service as a board member is about what I expected when I began my role.				
Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Comments on Question #14:				

Participants received at the workshop:

Creating and Maintaining Effective Local Government Citizen Advisory Committees with Downloadable Model Policy and Tracking Forms

<https://www.sog.unc.edu/publications/books/creating-and-maintaining-effective-local-government-citizen-advisory-committees-downloadable-model>

Other related resources

Public Intersection Tool kit -

<https://www.sog.unc.edu/publications/books/public-intersection-toolkit>

Wide array of board builders series

On <https://www.sog.unc.edu/search/#!/search/board%20builders%20series>

These please:

- <https://www.sog.unc.edu/publications/books/public-outreach-and-participation>
- <https://www.sog.unc.edu/publications/books/wicked-problems-what-can-local-governments-do>
- <https://www.sog.unc.edu/publications/books/working-nonprofit-organizations>
- <https://www.sog.unc.edu/publications/books/strategic-planning-elected-officials-setting-priorities-2017>

Morse – new Citizen Academy

guide <https://www.sog.unc.edu/publications/books/citizens-academy-handbook-building-capacity-local-civic-engagement>

Stephens – PDR book

– <https://www.sog.unc.edu/publications/books/guidebook-public-dispute-resolution-north-carolina>

PMBs

- <https://www.sog.unc.edu/publications/bulletins/would-you-receipt-information-sharing-tool-enhancing-citizen-engagement>
- <https://www.sog.unc.edu/publications/bulletins/creating-effective-citizen->

[participation-local-government-budgeting-practical-tips-and-examples](#)

- <https://www.sog.unc.edu/publications/bulletins/diversity-and-inclusion-rocky-mount-lessons-learned>

- <https://www.sog.unc.edu/publications/bulletins/citizen-outreach-north-carolina-judicial-branch-officials-comparison-three-projects>

Other

<https://www.sog.unc.edu/publications/articles/public-comment-meetings-local-government-boards-part-one-guidelines-good-practices>