



DRAFT RESIDENT ADVISORY BOARD ADMINISTRATIVE POLICY

INTRODUCTION AND OVERVIEW

The Town of Apex encourages participation by its residents in local government through service on the Town's various Advisory Boards. Serving on a board is an opportunity to collaborate with local government and to help shape decisions and policies that impact our community. Members of boards provide an invaluable service to our Town.

Members advise the Mayor and Town Council on a wide variety of subjects by making recommendations on important policy matters. The mission, responsibilities and time commitments for each board vary.

The Town of Apex is committed to appointing diverse, qualified, and dedicated people to these boards to achieve board membership with people of all ages, interests and backgrounds.

The purpose of the Resident Advisory Board Administrative Policy is to establish clear procedures and policies related to the administrative operations of the Town's standing resident Advisory Boards, ad-hoc service limited Advisory Boards, and/or ad-hoc work groups.

APPLICABILITY

1. All permanent Advisory Boards shall be established by ordinance and incorporated into the Code of Ordinances or the Unified Development Ordinance (UDO) for the Town of Apex. The following Advisory Boards are active boards:
 - Culture and Arts Advisory Board (CAAB)
 - Board of Adjustment
 - Environmental Advisory Board (EAB)
 - Multimodal Transportation Advisory Board (MTAB)
 - Parks and Recreation Advisory Board
 - Planning Board
2. This policy shall also apply to all standing boards, commissions, councils, committees, or taskforces upon creation by the Apex Town Council.
3. All non-standing boards, commissions, councils, committees, or taskforces shall be subject to only the sections the following sections:
 - Code of Ethics
 - Conflicts of Interest
 - Membership Responsibilities
 - Rules Governing Special Work Groups, Taskforces, and Special Committees

MEMBERSHIP ELIGIBILITY – 18 YEARS OF AGE AND ABOVE

1. All members shall be eighteen (18) years of age or older unless applying for a youth representative position.
2. All members shall be voting unless otherwise specified or required.
3. All members shall reside within the corporate limits for the Town of Apex, unless otherwise specified or required. The Town Clerk shall confirm such residency.

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4. All members shall be current on their Town of Apex and Wake County taxes, and shall not have any overdue financial liability to the Town. The Town Clerk has been authorized to verify tax status and financial liability for applicants to the Town's standing Advisory Boards. If appointed, all members shall remain non-delinquent on taxes. If the member's taxes become delinquent during their term of appointment, the member shall be allowed up to 30 days to bring the taxes current.
5. No person appointed to an advisory board may concurrently serve in any publicly elected office.
6. No person in active litigation against the Town shall be eligible for appointment to any standing or non-standing residents boards, commission, councils, committees, or taskforces.
7. The Apex Town Council may choose to waive any of the conditions within this section, with the exception of statutorily imposed conditions.
8. Members, when in service on a board, are not employees of the Town of Apex.
9. Employees of the Town, either full time or part-time, are not eligible to serve.

MEMBERSHIP ELIGIBILITY– YOUTH REPRESENTATIVE

1. All youth representatives shall be at least sixteen years of age and reside in the corporate limits for the Town of Apex. The Mayor and Town Council may consider geographic diversity when appointing youth representatives.
2. All youth positions shall be for a term of one-year.
3. The following Boards shall have a voting position:
 - a. Culture and Arts Advisory Board
 - b. Environmental Advisory Board
 - c. Multimodal Transportation Advisory Board
4. The following Advisory Boards shall have a non-voting position:
 - a. Parks and Recreation Advisory Board
 - b. Planning Board
5. The Board of Adjustment shall not have a youth representative as part of their membership.

MEMBER RESPONSIBILITIES

1. All members shall abide by the highest ethical and professional standards.
2. All members shall have good reputations for integrity and an interest in community service.
3. All members are representatives of the Town of Apex and shall conduct themselves, both in their official actions, and personal actions so as to be above reproach in their conduct and shall not bring disrepute to either the Town or the Mayor and Town Council.
4. All members must be prepared and committed to participating in advisory board work in a manner that enhances relationships between the Town and the community.

SELECTION CRITERIA / APPLICATION

1. The Mayor and Town Council shall establish an advisory board application for residents to use when applying for all standing Town Advisory Boards.
2. Members shall be appointed from applicants who have properly filed and submitted applications to the Town Clerk.

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3. All applications shall remain on file in the Office of the Town Clerk for one (1) year, unless the applicant is appointed in which the current application will remain on file throughout their current term.
4. All appointed members who are eligible to continue their service at the conclusion of their term, shall be required to submit a new application.
5. Members who have reached the maximum term limit for a specific advisory board may be eligible for consideration after one (1) year from the date of their expiration.

TERMS / APPOINTMENT

1. Appointment authority, board terms, and term limits for all resident Advisory Boards shall be identified in the [Code of Ordinances](#) and/or the [Unified Development Ordinance \(UDO\)](#) for the Town of Apex. More information can be found using the references below:
 - a. Culture and Arts Advisory Board – Town Code Chapter 2; Article V.
 - b. Board of Adjustment – Town UDO Article 2; Subsection 2.1.3
 - c. Environmental Advisory Board – Town Code Chapter 2; Article IV.
 - d. Multimodal Transportation Advisory Board – Town Code Chapter 2; Article VI.
 - e. Parks and Recreation Advisory Board – Town Code Chapter 15
 - f. Planning Board – Town UDO Article 2; Subsection 2.1.2
2. Advisory Board members may not serve on two standing Advisory Boards. This restriction does not impact an individual's service on boards that are not Town of Apex Advisory Boards or short-term task forces or work groups.

VACANCIES

1. Upon the expiration of the term of service of members, or should a vacancy otherwise occur, the Mayor and Town Council shall have the responsibility of selecting and appointing new members to the Advisory Board pursuant to the appointment authority granted in the Code of Ordinances and/or the Unified Development Ordinance (UDO).
2. If a vacancy is created by an appointed member serving less than six (6) months, the Town Clerk may submit the previous names for consideration by the Mayor and Town Council without additional recruitment efforts.

RECRUITMENT

1. The Town Clerk shall administratively publicize vacancies on all standing Advisory Boards in advance of terms expiring to ensure appointment by the Town Council prior to the termination date of the term.
2. The Town Clerk shall establish the application cut off date and if an unqualified number of applications are received and/or unqualified number of applications received due to residency requirements, then the Town Clerk will administratively republicize for the additional time period, prior to placing an item on the agenda.
3. In addition to publicizing procedures, the Town Clerk shall administratively solicit interested residents through professional organizations when appropriate.
4. The Town Clerk has been authorized to administrative disqualify applications which do not meet the position requirements. If the Town Clerk disqualifies an application, the Mayor and Town Council shall be notified in writing.

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5. The Town Clerk or their designee shall furnish an advisory board appointment report to include each application and any additional documents to the Mayor and Town Council 30 days prior to the anticipated termination date.
6. The Town Clerk or their designee shall notify any current appointee whose terms are expiring so they may re-apply, if eligible and willing to serve.
7. The Town Clerk may solicit feedback from the current advisory board members and/or town staff regarding the proposed applicants.

LEADERSHIP ROLES AND STAFF ASSIGNMENTS

1. Each Advisory Board shall have a designated Chair and Vice-Chair. The Chair and Vice-Chair shall be appointed from the membership of the Board by the Mayor and confirmed by the Town Council.
2. The responsibilities of the Advisory Board chair are:
 - a. Serves as the presiding officer and conducts Advisory Board meetings.
 - b. Acts as the authorized spokesperson for the Advisory Board.
 - c. Appoints and dissolves subcommittees, and the Chair and members thereof, of the board in consultation and with the approval of the entire Advisory Board.
 - d. In collaboration with Town staff, writes and presents the Annual Advisory Board Report to the Mayor and Town Council.
 - e. Sets goals for the Advisory Board in consultation with the assigned professional staff liaison, department director(s), Town leadership, and/or the Mayor and Town Council.
 - f. Reviews all Advisory Board minutes and proposed recommendations.
 - g. Sign documents such as recommendation statements, resolutions, correspondences or memos, etc. on behalf of the Board.
3. The responsibilities of the Advisory Board vice-chair are:
 - a. Serves as the presiding officer and conducts Advisory Board meetings in the absence of the chair.
 - b. Has all responsibilities of the Chair in the Chair's absence.
4. Each Advisory Board may select an alternative spokesperson, other than the Chair or Vice-Chair, by a majority vote of the board membership.
5. The Chair and/or Vice-Chair may be removed or replaced at any time by a majority vote of the Town Council.
6. Each Advisory Board shall have assigned professional staff. Assigned professional staff shall be at the discretion of the Town Manager or their designee.
7. Each Advisory Board shall have an assigned board liaison for administrative support. In the absence of the assigned board liaison, the Town Clerk or their designee shall be responsible for providing administrative support.

RECOMMENDATIONS OF THE BOARD

1. Routine items associated with a particular Advisory Board will be presented by the assigned professional staff or other staff members as appropriate (examples include: Rezoning Cases, Transportation Plan Amendments, Fee-In-Lieu Recommendations, Long-Range Plans, etc.)
2. Recommendation and reports of an Advisory Board, approved in the form of a motion, shall be conveyed to the Mayor and Town Council in writing for consideration and submitted to the Town Clerk.

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3. The Town Clerk shall place any Advisory Board recommendation submitted for consideration on the next regular Town Council meeting agenda or within 30 days of receipt.
4. The Advisory Board chair or professional staff shall be responsible for presenting the recommendation on behalf of the board. Outcomes of the recommendation are to be reported back to the Advisory Board by the Chair or the Town Clerk.

REMOVAL

1. All members of each advisory board shall serve at the pleasure of the Mayor and Town Council for the Town of Apex.
2. The Town Council may remove any advisory board member for cause (neglect of duty, malfeasance, misconduct or failure to faithfully attend meetings), or without cause for any reason by a majority vote.

RESIGNATIONS

1. If a member wishes to resign, the member shall submit their resignation in writing to the Town Clerk, noting the effective date of the resignation.
2. The Town Clerk shall notify the Mayor, Town Council, Chair of the Board, Professional Staff, and Board Liaison, on which the member serves of the resignation.
3. All vacancies shall be filled as outlined in the vacancy section of this policy.

MEETING MINUTES AND RECORDING

1. Minutes shall be taken for all advisory board meetings by the Town Clerk or their designee.
2. Advisory Board meeting minutes may be in summary format.
3. All approved minutes shall be retained in the Office of the Town Clerk and distributed to the Mayor and Town Council monthly.
4. All advisory board meetings, except the Board of Adjustment, shall be livestreamed for accessibility and participation purposes. The Town Clerk or their designee shall be responsible for coordinating technology support.
 - a. Livestreaming of an advisory board meeting shall only commence once quorum has been confirmed by the Chair or presiding officer.
 - b. If quorum is not met at the scheduled start time, the livestream shall remain inactive until quorum is achieved.
 - c. If quorum is not reached within 10 minutes of the scheduled start time, the meeting may be cancelled or rescheduled at the discretion of the Chair in coordination with the Town Clerk and assigned board liaison.
5. All livestreamed recordings shall be archived and made available on the Town's website following the meeting and may remain active until official meeting minutes are approved and properly posted pursuant to the Town's Record Retention Schedule.
6. Archived recordings do not replace the official written meeting minutes.
7. In the event of technical failure, the meeting may still proceed with the failure reported and documented to the Office of the Town Clerk.

COMPENSATION

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1. All advisory board members shall be eligible to receive a stipend of fifty dollars (\$50) for each meeting held.
2. Stipends shall be issued on a quarterly basis and contingent upon monthly attendance reports as submitted by the town staff advisory board liaison.
3. Each member shall complete a federal form W-9 and Electronic Fund Transfer (EFT) form in order to receive their stipend. These documents will be provided by the Town Clerk or their designee during the members' initial orientation.
4. The Town Clerk or their designee shall be responsible for providing payment information to the Finance Department.

CODE OF ETHICS

1. All Advisory Board members should act with integrity and with independence from improper influence as they exercise the functions of their offices. Characteristics and behaviors that are consistent with this standard are:
 - a. Adhering firmly to the code of sound values.
 - b. Behaving consistently and with respect towards everyone with whom they interact.
 - c. Exhibiting trustworthiness.
 - d. Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner.
 - e. Remaining incorruptible, self-governing, and not subject to improper influence, while at the same time being able to consider the opinions and ideas of others.
 - f. Disclosing contacts and information about issues that they receive outside of public meetings, and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves.
 - g. Treating other Advisory Boards, advisory board members, developers/applicants, and the public with respect, and honoring the opinions of others even when they disagree.
 - h. Being careful not to reach conclusions on issues until all sides have been heard.
 - i. Showing respect for their appointed office and not behaving in ways that reflect badly on the office, the Advisory Board, the Mayor and/or the Town Council, or the Town of Apex.
 - j. Recognizing that they are part of a larger group and acting accordingly.
 - k. Recognizing that individual Board members are not generally allowed to act on behalf of the board, but may only do so if the board specifically authorizes, and that the Board must take action as a body.
 - l. Being faithful in the performance of duties of their offices.
 - m. Acting as especially responsible residents whom others can trust and respect.
 - n. Faithfully attending and preparing for meetings.
 - o. Carefully analyzing all credible information that is properly submitted to them, and when applicable, being mindful of the need not to engage in communications outside the meeting in quasi-judicial matters.
 - p. Being willing to bear their fair share of the board's workload.
 - q. To the extent appropriate, they should be willing to put the board's interests ahead of their own and shall avoid the appearance of a conflict of interest and shall, under no circumstances, use their position on any board for personal gain or profit.

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2. Members of the Planning Board and the Board of Adjustment shall upon initial appointment, and prior to December 31 annually thereafter disclose:
 - a. Any interest they or their spouse or domestic partner having real property situated in whole or in part in the Town of Apex and the general description of that property.
 - b. Any legal, equitable, beneficial or contractual interest they or their spouse or domestic partner has in any business, firm or corporation, which is currently doing business with the Town of Apex pursuant to contracts awarded by the Town of Apex, or which is attempting, or has attempted in the past calendar year, to secure the award of a bid from the Town of Apex.
 - c. Failure to file a disclosure statement setting out the above required information shall result in immediate removal of the member from the applicable board.
 - d. All disclosures should be submitted to the Town Clerk.
3. Gifts
 - a. An advisory board member shall not directly or indirectly ask, accept, demand, exact, solicit, seek, assign, receive, or agree to receive any gift or honorarium for the advisory board member, or for another person, in return for being influenced in the discharge of the advisory board member's official responsibilities.

CONFLICT OF INTEREST

1. During advisory board meetings, a member shall immediately disclose any potential conflict of interest and request to be recused from voting when he or she has a conflict of interest.
2. During an appeal proceeding, the applicant has the right to question the interest of any voting member. The advisory board chair should consult with the Town Attorney or their legal designee on any potential conflict of interest in appeal matters.
3. In determining from existing facts and circumstances whether a conflict of interest exists, the determining party shall consider the facts and circumstances as would an ordinary and reasonable person exercising prudence, discretion, intelligence, and due care.
4. If you have any questions related to potential conflicts of interest or the process, please contact the Town Attorney.

CONFIDENTIALITY

1. No member of the Advisory Board shall make any written or oral statement of any confidential town matter to any individual, business, or agency. A violation of this section will result in that member's immediate removal from the Advisory Board. This prohibition does not apply to communications with town staff, officials, or their agents.
2. Members of the Advisory Board may receive information of a sensitive or confidential nature. It shall be the duty and responsibility of each member to respect and maintain the confidentiality of Town issues presented before the board. Neither the Advisory Board nor any individual member shall disseminate confidential information received during Advisory Board meetings.
3. If a closed session is called during an Advisory Board meeting pursuant to North Carolina General Statutes 143-318.11(a), the Town Attorney or their designee and the Town Clerk or their designee shall be present.

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4. Advisory Board members may be required to sign confidentiality statements as necessary and will be removed from the Advisory Board upon violation of the confidentiality agreement.

ANNUAL REPORTING

1. All Advisory Boards will submit a written report to the Town Clerk by December 31 each calendar year and consist of the following:
 - a. What was done that made a difference;
 - b. Established goals, projects, and major accomplishments from the previous twelve-month period;
 - c. Outreach efforts to increase awareness of various projects;
 - d. The proposed plans and objectives for the upcoming twelve-month period;
 - e. What type of resources (if any) may be needed in pursuing the upcoming plans and goals;
 - f. Recap of annual attendance report.
2. The Advisory Board Chair shall work with the Town Clerk to identify a date in January or February to present their report to the Mayor and Town Council at a regular council meeting.
3. The Town Clerk shall establish the annual report template and distribute to each Advisory Board chair.

ATTENDANCE

1. Members shall make every effort to attend all meetings of the resident Advisory Board, serve on subcommittees of said board, and perform other functions assigned by the Advisory Board chair with approval of the Advisory Board members.
2. If a member is unable to attend a meeting, the member shall contact the Town Clerk and their Board Chair as soon as possible, and at least forty-eight (48) hours before the scheduled meeting.
3. Any member missing three (3) consecutive meetings shall be removed from their position.
4. Any member missing twenty-five percent (25%) of meetings held within a 12-month period shall be removed from their position.
5. The Town Clerk shall provide written notice to any Advisory Board member being removed related to attendance and provide a copy to the Mayor, Town Council, assigned professional staff, assigned Board liaison, and Board Chair.

ATTENDANCE REPORTING

1. The Town Clerk shall provide an attendance report to the Mayor and Town Council on a quarterly basis. The Attendance Report shall illustrate each advisory board and the meetings held within the reporting period.
2. The Town Clerk shall notify any member at risk of being removed pursuant to this section.
3. When an attendance report submitted to the Mayor and Town Council shows that a member of a board has not complied with the attendance policy, the Town Clerk shall notify the chair of the board in writing regarding the member's lack of attendance. Further, when the subsequent attendance report submitted to the Mayor and Town

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Council shows that same member of the board has not complied with the attendance policy, the Town Clerk shall notify the board member in writing that such member has been removed from the board and initiate the recruitment process.

REQUIRED TRAINING

1. The Town of Apex will make available for advisory board members and department staff periodic training on local, county, or state goals and priorities as well as relevant statutes and policies.
2. The Town Clerk shall establish an orientation program for all Advisory Boards and confirm each member has successfully completed their training within 30 days of appointment.
3. The Chair and Vice-Chair, shall attend additional training to familiarize themselves with the duties and responsibilities of the Chair and Vice-Chair and the guidelines for conducting meetings.
4. All members shall attend an ethics and conflicts of interest training each appointment term. A copy of the training certificate shall be provided to the Town Clerk.

COMMITMENT TO DIVERSITY

1. All appointments of residents to Advisory Boards shall be representative of the age, ethnicity, race, and gender of the population of Apex when possible.
2. The Mayor and Town Council may consider geographic diversity when appointing members.

PERODIC REVIEW

1. The Resident Advisory Board Administrative Policy shall be reviewed every two (2) years by the Mayor and Town Council.
2. The Town Clerk shall be responsible for tracking all changes and notifying the Mayor and Town Council of any recommended amendments.
3. This policy may be changed or adjusted as deemed necessary by the Apex Mayor and Town Council regardless of whether it is scheduled for a review.

SUBCOMMITTEE FORMATION

1. Subcommittees may be formed by the standing Advisory Board to research and make special recommendations on special issues or areas in order to carry out the duties as established in the Advisory Board's scope of responsibilities.
2. The Advisory Board Chair, upon a majority vote of the Advisory Board, shall form subcommittees.
3. No subcommittee shall be a majority of the Advisory Board.
4. The Advisory Board Chair shall notify the Town Clerk of any subcommittees that are formed and provide the established goals and timeline for such subcommittees.
5. No subcommittee of a standing Advisory Board shall exist for longer than one (1) year.

RULES GOVERNING WORK GROUP, TASK FORCE, OR SPECIAL COMMITTEES TO BE CONSIDERED NON-STANDING

1. Town Staff may recommend, through the Town Clerk, a work group, task force, or special committee be formed for a set purposes for an established period of time.

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2. All work groups, task forces, and special committees shall be considered non-standing committees and shall be established by resolution.
3. Once established by resolution, Town staff may recommend members to the Mayor and Town Council outside of the standard recruitment process. Any member who applies for a special work group, task force, or special committee may also be considered.
4. The Town Clerk shall provide a list of the recommended members of any Town work group, task force, or special committee to the Mayor and Town Council for initial adoption. Following initial creation, the Town Clerk, in consultation with the Town Manager, and other Town Staff as identified in the adopted resolution, may appoint alternative community members from the approved list of possible members. If alternate members are selected, the Town Clerk shall notify the Mayor, Town Council, and all applicable staff members.
5. No non-standing work group, task force, or special committee shall exist for longer than a period of twenty-four (24) months or unless otherwise prescribed in the establishment resolution.
6. If a work group, task force, or special committee needs to exist beyond the timeline identified, the Mayor and Town Council may modify the resolution or consider establishment as a standing Advisory Board through the adoption of an ordinance.
7. Non-standing work groups, task forces, and special committees shall be considered advisory in nature and assist with large projects including, but not limited to: fee studies, comprehensive planning or master plan development, and projects that require two or more meetings with the same community members.
8. Community Open Houses, Development Project Charettes, Stakeholder Meetings, or any other Community Engagement Meetings that are intended to occur no more than twice with the same individuals shall not be subject to the creation of a non-standing work group, task force, or special committee as defined in this section.

CONTACT

In addition to the authority and duties that may be conferred upon the Town Clerk by general or special law, the Town Clerk shall enforce and provide interpretation of the Resident Advisory Board Administrative Policy.

Adopted by the Town Council on

MONTH DD, YEAR