



ORDINANCE

Amending Town Code Chapters 2, 3, 6, and 8A

To consolidate and organize appointed board information

The Hillsborough Board of Commissioners ordains:

- Section 1.** Section 2-32 of the Town Code is renamed “Filling unexpired terms on the Board of Commissioners” and the existing language is replaced to read as follows:
- (1) When a vacancy occurs on the Board of Commissioners, the members shall discuss the process to recruit and fill the term at the board meeting as soon after the vacancy is announced or occurs as possible.
 - (2) The process must be approved by a majority vote of the board members.
- Section 2.** Relocate Section 3-29, Park Naming Procedure, to Section 3-52 in Article VII, Recreation. Designate sections 3-53 through 3-59 as reserved.
- Section 3.** Create Chapter 3, Article VIII, Appointed Boards, Task Forces, and Authorities, covering Sections 3-60 through 3-79, attached for clarity.
- Section 4.** Renumber Section 3-21, Planning Board; Section 3-22, Board of Adjustment, and Section 3-23, Historic District Commission as 3-64, 65, and 66, respectively.
- Section 5.** Renumber Section 3-24, Tree Board, as 3-67. Delete cross reference to Section 7-36(c) and relocate that language, with amendments, to Section 3-67 as shown in the attached Article VIII.
- Section 6.** Delete current sections 3-25, Cable Television Committee; 3-26, Occoneechee Mountain Park Committee; and 3-27, Hillsborough Cemetery Committee.
- Section 7.** Renumber Section 3-28, Parks and Recreation Board to Section 3-68, with amendments reflected in the attached Article VIII. Designate Sections 3-21 through 3-40 as reserved.
- Section 8.** Add Section 3-69, Water and Sewer Advisory Committee, as detailed in the attached Article VIII.
- Section 9.** Add Section 3-70, Tourism Board, as detailed in the attached Article VIII. The language reformats and replaces existing section 3-60 through Section 3-62.
- Section 10.** Add Section 3-71, Tourism Development Authority, as detailed in the attached Article VIII. The language reformats and moves existing Sections 8A-5, 8A-6, and 8A-7 into Chapter 3, Article VIII;

- Section 11.** Rename Chapter 3, Article IX, Tourism Board to Article IX, Miscellaneous. Relocate Section 3-52 through 3-57 to this article and number appropriately. Designate Section 3-86 and 3-99 as reserved.
- Section 12.** The amended language of Article VIII, Appointed Boards, Task Forces, and Authorities, and Article IX, Miscellaneous are attached for clarity
- Section 13.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 14.** This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 9th day of January in 2023.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk

ARTICLE VIII. APPOINTED BOARDS, TASK FORCES, AND AUTHORITIES

Sec. 3-60 General

The Board of Commissioners may appoint volunteer boards to conduct portions of public business or to advise the board on items within their authority. An appointed board is expected to continue as described in this section unless eliminated by a majority vote of the Board of Commissioners. Appointed boards shall have a town staff support person who shall help organize the meeting schedule, maintain member lists, update public information regarding the board, prepare agendas and minutes, assist with advertising open positions and other duties to ensure proper function and that board actions are carried forth.

The Tourism Board and the Tourism Development Authority were created through local bills approved by the state legislature concurrent to enacting the prepared food and beverage tax and occupancy tax, respectively. If language or requirements in this section differ from the specific language in the local law, the local law will control.

The Board of Commissioners may also appoint task forces or study commissions to address short term or topic specific research. Such groups shall be established by resolution with a specific charge and an anticipated sunset date. The sunset date for any short-term committee may be extended by the board. The board may establish new appointed boards to continue the work of short-term committees upon a majority vote. This code must be amended to reflect any new committee without a sunset date.

Sec. 3-61 Recruitment and appointment

The designated staff support person for any town appointed board will be responsible for overseeing recruitment, appointment, and orientation of the members of the board they support.

Recruitment may be done through website advertising and notices, public advertising, membership committees or active boards and commissions, and other sources.

Appointment and reappointment items will appear on Board of Commissioners agendas for formal action. New appointees and reappointed members will take an oath of office before the town clerk or a notary public.

Sec. 3-62 Routine orientation for appointees.

The following orientation materials will be provided to each volunteer: board roster, town organizational chart including the advisory boards, the rules of procedure for their board, the current strategic and comprehensive plans for the town, and other support documents or maps relevant to that board. Staff will arrange for the administration of the new member's oath of office, go over the orientation materials, and answer procedure and policy questions as needed, prior to the new member's first meeting as a board member.

New appointees are encouraged to attend a Board of Commissioners meeting within six months of appointment to any appointed board.

Sec. 3-63 Regular attendance a pre-requisite for continuing service.

Attendance at regularly scheduled board meetings is critical to continued membership on a board.

Staff shall notify any board member who misses one-third of regular meetings within any twelve-month period that regular attendance is required, and future absences may impact continued participation.

Any board member who misses half of regular meetings within any twelve-month period will be notified by staff that their term has been automatically ended.

Board members are eligible for re-appointment consistent with term limits for their board. Attendance records shall be provided with any re-appointment request to the board of commissioners.

Sec. 3-64. Members serve at the pleasure of the Town Board.

Members serve at the pleasure of the Town Board and may be removed upon a vote of the Town Board in open session. However, members of the Tourism Board may only be removed for cause, also requiring a vote of the Town Board in open session. Similarly, the two volunteers the Planning Board makes from among its members to other boards, serve at the pleasure of the Planning Board and could be removed from the other boards upon a vote of the Planning Board.

Sec. 3-65. Compensation.

Board members serve without compensation. Members of the Tourism Development Authority may be compensated, at the discretion of the Town Board and consistent with the local bill creating the Authority. The town may pay for training deemed necessary or advisable for volunteer service. The town may reimburse members for travel to training events required for their membership.

Sec. 3-66 Planning Board.

There shall be a Planning Board, the establishment, powers, and duties of which are provided for in the Hillsborough Unified Development Ordinance.

Sec. 3-67. Board of Adjustment.

There shall be a Board of Adjustment, the establishment, powers, and duties of which are provided for in the Hillsborough Unified Development Ordinance.

Sec. 3-68. Historic District Commission.

There shall be a Historic District Commission, the establishment, powers, and duties of which are provided for in the Hillsborough Unified Development Ordinance.

Sec. 3-69. Tree Board.

There shall be a Tree Board, the establishment, powers, and duties of which are provided for as follows.

- (a) Powers and duties. The Tree Board shall serve as an advisory board to the Board of Commissioners with the following duties and responsibilities:
 - (1) To hear all requests by Hillsborough residents and/or owners of property within the town for planting, maintenance, and removal of town trees. The Board of Commissioners maintains the

right to review any such requests and the trees in question in determining whether to grant such requests.

- (2) To facilitate the planting, growth, protection, and recommended removal of trees within the town.
 - (3) To foster education and communication among the citizens of Hillsborough that would provide the needed protection of trees and to coordinate active measures to support their health and growth within the town.
 - (4) To conduct, every two years, a periodic safety audit of existing town trees for the purpose of determining needed pruning and tree removal. Between audits, members should report such needs as they detect them.
 - (5) To investigate available grants, loans, or contributions from other governmental agencies, public or private corporations, or individuals and to recommend the expenditure of any proceeds toward the accomplishment of the tree board's purposes.
 - (6) To establish guidelines for the selection and placement of trees on town property, which guidelines should be maintained as a separate document.
 - (7) To coordinate, insofar as appropriate, its purposes with those of the town Parks and Recreation Board, the Historic District Commission, and other town and county agencies.
 - (8) To submit an annual report to the Board of Commissioners.
 - (9) To create and promote an active urban forestry education program for all citizens of the town.
 - 10) To offer advice, when possible, to owners and developers of private property within town limits on the preservation of existing trees.
 - (11) To advise the town on the planting, pruning, maintenance, and removing of trees on town property.
 - (12) Residents of Hillsborough and/or property owners desiring to have a tree planted on town property shall obtain approval of the Tree Board.
- (b) Membership. The Tree Board shall consist of seven regular members. ~~The Tree Board may determine the need for ex officio members to provide expertise. No more than three ex officio members may be appointed at any time.~~
- (c) Appointment. Members shall be appointed by the Board of Commissioners. ~~Ex officio members may be appointed as necessary by a majority of Tree Board members.~~
- (d) Term of office. The terms of the regular members shall be staggered so that no more than three members' terms expire during the same year. In the event that a vacancy occurs during the term of any member, a successor shall be appointed by the town board for the unexpired portion of the term. Members shall serve a maximum of two consecutive three-year terms.
- (e) Staff. The Public Space and Sustainability division shall provide staff support to the Tree Board.
- (f) Meetings. All meeting shall be open to the public. The board shall adopt and publish a regular meeting schedule of not less than four meeting per calendar year.

- (g) Quorum. Four regular members shall constitute a quorum of the Tree Board. This number may be adjusted for vacancies. Staff ~~and ex-officio members~~ are not qualified to vote.
- (h) Rules of Procedure. The board shall adopt rules of procedure for the conduct of its meetings. Rules of procedure shall be consistent with the procedural requirements of state law.

Sec. 3-70. Parks and Recreation Board.

There shall be a Parks and Recreation Board, the establishment, powers, and duties of which are provided for as follows.

- (a) Powers and duties. The board shall be responsible for implementing the Parks and Recreation Master Plan adopted by the Board of Commissioners and master plans for specific facilities adopted by the Parks and Recreation Board. This general charge includes, but is not limited to, the following duties:
 - (1) Cooperate with Orange County to facilitate shared use and responsibility for publicly owned land.
 - (2) Concentrate on developing parks and recreation facilities that can be programmed for use by others.
 - (3) Coordinate with other town committees on items of mutual interest.
 - (4) Recommend funding priorities for parks and recreation projects to the town board.
- (b) Membership. The Parks and Recreation Board shall consist of no more than 12 members.
- (c) Appointment. The town board shall ~~select members~~ **appoint 11 residents** of the ~~Parks and Recreation Board from as many~~ different park districts as shown in the master park and recreation plan ~~as is practicable~~. One seat on the Parks and Recreation board shall be reserved for a member who is 13 to 19 years old on the date of their appointment and one seat shall be reserved for a member who is over 55 years old on the date of their appointment. One ~~seat member~~ shall be a representative from the Hillsborough Planning Board, selected by that board. ~~A member of the Orange County Parks and Recreation Council may serve as an ex-officio member.~~
- (d) Terms. Board members shall serve for three-year staggered terms, with the opportunity for reappointment for a second full term. After serving two complete terms and any partial term, a member shall be ineligible for reappointment until one calendar year has expired. Four members shall initially be appointed for three-year terms, four with two-year terms, and four with one-year terms.
- (e) Staff. The Public Space and Sustainability division shall provide staff support to the Parks and Recreation Board.
- (f) Meetings. All meeting shall be open to the public. The board shall adopt and publish a regular meeting schedule of not less than four meeting per calendar year.
- (g) Quorum. A majority of appointed seats shall constitute a quorum. This number may be adjusted for vacancies. Staff ~~and ex-officio members~~ are not qualified to vote.
- (h) Rules of Procedure. The board shall adopt rules of procedure for the conduct of its meetings. Rules of procedure shall be consistent with the procedural requirements of state law.

Sec. 3-71. Water and Sewer Advisory Committee

There shall be a water and sewer advisory committee, the establishment, powers and duties of which are provided for as follows.

- (a) Powers and duties. The general charge includes, but is not limited to, the following duties:
 - (1) Receive updates regarding key operational, policy, and financial issues facing the Water & Sewer Enterprise Fund.
 - (2) Request information from staff to stay informed and knowledgeable regarding key issues, concerns, and opportunities facing the Water & Sewer Fund.
 - (3) Offer recommendations to the town board regarding general operational, financial, public information, and other management issues affecting the of the Water & Sewer Fund.
 - (4) The committee will not make recommendations regarding individual personnel matters (e.g., hiring, firing, and disciplinary issues) within the Water & Sewer Fund.
 - (5) The committee will not make recommendations on how to perform projects, their priority, or which consultant or contractor is hired within the Water & Sewer Fund.
- (b) Membership. The committee will consist of between 6-8 members. The town will strive to maintain an even balance between in-town and out-of-town water/sewer customers, or as close as is reasonable possible.
- (c) Terms. Committee Members will serve staggered four-year terms, with the opportunity for reappointment for a second full term. After serving two complete terms and any partial term, a member shall be ineligible for reappointment until one calendar year has expired.
- (e) Staff. The Utilities Administrative division shall provide staff support to the water and sewer advisory committee.
- (f) Meetings. All meeting shall be open to the public. The board shall adopt and publish a regular meeting schedule of not less than four meeting per calendar year.
- (g) Quorum. A majority of appointed seats shall constitute a quorum. This number may be adjusted for vacancies. Staff ~~and ex-officio members~~ are not qualified to vote.
- (h) Rules of Procedure. The board shall adopt rules of procedure for the conduct of its meetings. Rules of procedure shall be consistent with the procedural requirements of state law.

Sec. 3-72. Tourism Board.

- (a) Powers and Duties. The Tourism Board shall promote tourism within the Town of Hillsborough, subject to the provisions of chapter 449 of the 1993 Session Laws and the provision of this article.
- (b) Membership. There is hereby established a Hillsborough Tourism Board composed of nine members appointed by the Board of Commissioners. One individual may be selected to represent more than one of the four groups or organizations listed in this section:
 - (1) One member shall be a member of the Board of Commissioners.

- (2) One member shall be a member of the Hillsborough Area Chamber of Commerce and shall be chosen by the Board of Commissioners from nominees submitted by the board of directors of the Hillsborough Area Chamber of Commerce.
 - (3) One member shall be chosen by the town board from nominees submitted by the Alliance for Historic Hillsborough, Inc.
 - (4) Four members shall be owners or operators of restaurants in Hillsborough that are affected by the prepared food and beverage tax. (i.e., if a restaurant owner were nominated by the Chamber of Commerce, his selection would satisfy the representation criteria for two of the groups listed in this section).
 - (5) At-large members to bring the total to nine. The at-large members shall either reside within the town, own property within the town, or have a principal place of employment within the town.
- (c) Terms. Members of the Tourism Board shall serve two-year staggered terms. Initially, five members shall be appointed for two-year terms, beginning January 1, 1994. Members may continue to serve until their successors are appointed and qualified, even if this extends their terms. A vacancy shall be filled for the unexpired term of the member whose seat has become vacant. Members who are selected to represent one of the four groups specified in subsection (b) of this section may continue to serve their full terms regardless of whether they continue to be affiliated with the organization or group they originally represented. Members may be appointed to three successive two-year terms. Following service for three successive two-year terms, a member may not be reappointed until an interval of at least two years has passed.
- (d) Meetings. The board shall meet at least quarterly on call of the chair or of any three members. All meetings shall be administered in accordance with the Open Meetings Law.
- (e) Quorum. A quorum for the board shall consist of five members if there are no vacant seats, four members if there are one or two vacant seats, and three members if there are three or more vacant seats. All actions of the board shall be taken by majority vote, a quorum being present.
- (f) Rules of Procedure. The board shall adopt rules and regulations governing its procedures not inconsistent with the provisions of this article.
- (g) The board shall receive from the town the net proceeds of the prepared food and beverage tax and, after deducting the cost of its annual audit, shall allocate the remaining proceeds to be used for the purposes listed below. The board shall allocate proceeds each year for purposes stated in both subsections (1) and (2) below. The purposes are:
- (1) To provide visitor services, including any of the following:
 - a. Operation of a center where visitors can be provided with information about the community, about facilities and businesses in it, and points of historical or cultural interests.
 - b. Production and distribution of a free directory of restaurants to include the name, address, and phone number of each restaurant in the town.
 - c. Production and distribution of pamphlets, film clips, and other informational materials on the community.
 - d. Advertising the town and publicizing special events in it.

- e. Doing market research pertaining to tourism.
 - f. Responding to mail and telephone inquiries submitted by visitors or potential visitors.
 - g. Providing other services to visitors designed to make their stay pleasant and instructive.
- (2) To provide facilities, programs, and services designed to attract tourists to the town.
- (h) The town board retains its authority to establish minimum or maximum allocations of proceeds for specific purpose, provided, however, that the town board may not authorize the use of the tax proceeds for any purpose other than those provided in subsections (g)(1) and (g)(2) of this section.
 - (k) The board may expend funds only for a public purpose, and all funds derived from the prepared food and beverage tax shall be received, held, appropriated, disbursed, and accounted for in accordance with the provisions of the Local Government Budget and Fiscal Control Act. Provided, however, that the Tourism Board shall not purchase any real property, nor shall it spend more than \$5,000 for any purpose stated in subsection (g)(2) above except with the town board's prior approval.
 - (l) The board shall report quarterly and at the close of the fiscal year to the Board of Commissioners on its receipts and expenditures for the preceding quarter and fiscal year in such detail as the town board may require.

Sec. 3-73. Tourism Development Authority: Appointment and membership.

- (a) The Tourism Development Authority is hereby created, which shall be a public authority under the Local Government Budget and Fiscal Control Act.
- (b) Membership. The Tourism Development Authority shall consist of three members appointed by the Board of Commissioners, ~~two of whom shall also be members of the Tourism Board~~. Members need not reside within the town, but at least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least ~~three-fourths~~ **one-half** of the members must be individuals who are currently active in the promotion of travel and tourism in the town.
- (c) Terms. Members shall be appointed for terms of one year. The initial terms of all appointees shall expire on January 31 of the year that follows the initial appointments. Subsequent terms shall run from February 1 of one year to January 31 of the following year. Vacancies shall be filled for the remainder of the unexpired term. Members may be appointed to up to six consecutive one-year terms.

Sec. 3-74. Meetings of Tourism Development Authority.

- (a) The Tourism Development Authority shall meet as necessary to carry out its powers and duties as specified below. All meetings shall be held in conformity with the Open Meetings Law.
- (b) A quorum for the Tourism Development Authority shall consist of three members, except that if one seat is vacant, a quorum shall consist of two members. All actions of the Tourism Development Authority shall be taken by majority vote, a quorum being present.
- (c) Upon the initial appointment of members to the Tourism Development Authority and upon the commencement of each new term, the Board of Commissioners shall appoint one member to serve as chair of the Tourism Development Authority during that term. If a vacancy occurs during a term, the

board shall designate another member to serve as chair for the remainder of that term. The chair may take part in all deliberations and vote on all issues.

Sec. 3-75. Powers and duties of the Tourism Development Authority.

- (a) The Tourism Development Authority shall expend the net proceeds of the tax levied under Chapter 8A for the purposes provided in section 8A-4. The authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town. The town's finance officer shall serve ex officio as the finance officer for the Tourism Development Authority.
- (b) The Tourism Development Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.
- (c) The Tourism Development Authority may not, without the prior approval of the town board, purchase any real estate, nor may it spend more than \$5,000 for any item covered by section 8A-4 without the prior approval of the town board.

Secs. 3-76 – 3.79. Reserved.

ARTICLE IX. MISCELLANEOUS

Sec. 3-80. Oaths and bonds of officers and employees.

Sec. 3-81. Absences or disabilities.

Sec. 3-82. Automatic resignation when appointees no longer qualify.

Sec. 3-83. Disposal of surplus personal property of the town.

Sec. 3-84. Manager's authority to purchase apparatus, supplies, materials or equipment.

Sec. 3-85. Malt beverages, unfortified wine, fortified wine and mixed beverages on Sunday mornings.

Secs. 3-86—3-99. Reserved.

[This is just a rearrangement – no change to the text of Article IX](#)