



# Handbook for Advisory Board, Commission & Committee Members

A Comprehensive Guide to the City of  
Hendersonville's Advisory Boards,  
Commissions and Committees

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Adopted by City Council on \_\_\_\_\_

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# Introduction

## OVERVIEW

Thank you for your interest in serving your community through participation on a City of Hendersonville advisory board, commission, or committee. The City of Hendersonville currently has many advisory boards, commissions, and committees that are comprised of volunteers appointed by the City Council (herein after referred to as Council) or Mayor. The City of Hendersonville encourages participation by its residents in City government through service on City boards and commissions. 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 advisory boards and commissions provide an invaluable service to our city. Members advise the City Council on a wide variety of subjects by making recommendations on important policy matters. The mission, responsibilities and time commitments for each board vary. A brief description of each board, including meeting times and locations, can be found at the end of this handbook. Additional information and notices may be found on the City's website at <https://www.hendersonvillenc.gov/>. The City of Hendersonville City Council is committed to appointing diverse, qualified, and dedicated people of all ages, interests, and backgrounds.

This handbook is for persons interested in volunteering on an advisory board, commission, or committee or who were recently appointed to one of the City's advisory boards. In this handbook, you will find information on how the board functions, qualifications for members, information for new appointees, board roles and responsibilities, policies governing boards and board members, and a description of all City advisory boards or other boards to which the City Council appoints members.

If you have questions or require assistance, contact the Office of the City Clerk at 828-697-3005 or email [areece@hvlnc.gov](mailto:areece@hvlnc.gov).

# Appointment & Application Process

## APPOINTMENTS TO BOARDS, COMMITTEES, & COMMISSIONS

The Hendersonville Mayor and City Council have a long history of providing many opportunities for resident participation on local government advisory boards, commissions, and committees. There are 16 standing advisory boards, commissions, and committees to which the Mayor and City Council make appointments.

The Mayor and the City Council may at times appoint residents to both ad hoc committees and standing committees. Ad hoc committees are temporary committees that have been given a very limited charge and are usually expected to provide recommendations to the Mayor and City Council within one year. Standing committees have ongoing responsibilities and are usually either regulatory or advisory in nature. Regulatory advisory boards or committees are involved in setting policy or operating procedures for the related activity, e.g., the Board of Adjustment. Other advisory boards or committees may be charged with reviewing and commenting on local plans and policies, e.g., the Planning Board. The Mayor and City Council also appoint from its membership, staff, or residents to non-city bodies such as the Land of Sky Regional Council Board of Delegates (LOSRC) or Hendersonville Tourism Development Authority (TDA).


Appointments to advisory boards, commissions, and committees are made bi-annually in June and December, or as needed. At least four weeks prior to the date for nominations, the City Clerk's Office provides the Mayor and City Council with the list of upcoming vacancies eligible for appointment. The vacancies are publicized by providing and posting a list of vacancies through the City's website, social media, and other opportunities.

Applicants seeking appointments to a specific advisory board are strongly urged to attend several meetings of the board prior to completing and submitting an application. Applicants are also encouraged to attend meetings of the City Council to observe proper procedure and decorum of meetings.

All discussion and consideration of appointments are made in open sessions of the City Council. After the announcement is made, each member of City Council has the opportunity to nominate a person(s) for appointment to each of the advisory board seats to be filled. After nominations are closed, City Council Members vote on the nominated persons to make appointments to fill the vacant positions. A majority vote of the Council is necessary for appointment. Once an appointment takes place, the City Clerk's Office will notify that candidate of their appointment.

## APPLICATION TO BOARDS, COMMITTEES, & COMMISSIONS

An application is required for consideration of an appointment or reappointment to an advisory board, commission, or committee. All information provided in completing the application becomes public information and is therefore subject to public records requests. Once an application for an appointment has been filed with the City Clerk, it is placed on file and remains active during the calendar year they are received. The City Clerk will include all filed applications in each pool of vacancies for consideration by Council during the calendar year. At the end of the calendar year, all non-appointed applications will be filed per the records retention schedule. Applicants wishing to be considered for the next years cycle will need to reapply.

To apply, please visit the City of Hendersonville's Website at <https://www.hendersonvillenc.gov/> and select the "Advisory Boards, Commissions and Committees" tab from the drop down menu to view advisory board information and to apply online by clicking the  icon at the top right of the page.

# Qualifications

## QUALIFICATIONS FOR ADVISORY BOARD MEMBERS

Appointees to advisory boards, commissions, and committees may be subject to certain residency requirements specified or provided for by law, ordinance, or City Council action establishing said advisory board, commission, committee, or in the rules or bylaws of said advisory board, commission, committee, as approved by Council.

No resident shall be eligible to hold concurrently more than two appointments to a standing advisory board, commission, or committee. This limitation shall not apply to ad hoc committees or appointments to regional boards, commissions, or committees appointed by the Council.

Current City employees shall not be eligible to serve on City advisory boards commissions or committees but may be appointed to serve on regional boards, commissions, or committees appointed by the Council.

An oath of office (or affirmation) is required for some boards. Where applicable, newly appointed board members will take and sign an oath of office or affirmation following their appointment. A new member may not vote on any matter until the oath of office has been administered. Reappointed members shall also be administered the oath of office, if applicable.

The following Boards require an oath of office:

ABC Board	•	Historic Preservation Commission
Board of Adjustment	•	Planning Board

All appointees are subject to the City Council's Code of Ethics and Attendance Policy for Members of Advisory Boards, Commissions, and Committees. A Statement of Economic Interest Form may be required for members of some boards if the member would hold a financial interest in a matter in which the member would otherwise cast a vote. Where applicable, appointed board members will be asked to complete the form at the direction of the City Clerk and submit it within five business days to the Office of the City Clerk.

The following City boards and commissions which deal with land use or other regulations may be subject to this requirement:

ABC Board	•	Planning Board
Historic Preservation Commission		Board of Adjustment

# New Members

## NEW APPOINTEES TO BOARDS, COMMISSIONS & COMMITTEES

Thank you for volunteering to serve your community through an appointment by the Mayor and City Council to an advisory board, commission, or committee. This handbook will acquaint you with the Mayor and Council's policies in regard to advisory boards, commissions, and committees and the particular roles and responsibilities of members. This handbook is provided to new appointees by the Office of the City Clerk along with their notice of appointment.

Advisory boards, commissions, and committees are established to increase community input and participation in City government. Some of the advisory boards, commissions, and committees exist to advise and make recommendations to Council, while others have distinct regulatory responsibilities that are established by law.

By accepting this appointment, you are now in a position to work directly with your local government, on behalf of your fellow residents, to enrich community life on a wide variety of issues. The greater your participation in the work of the board, the greater will be the effectiveness of the board in carrying out its charge and ultimately improving the community.

While the Mayor and City Council set policy and make decisions affecting their constituency, they also consider community participation a vital aspect of good government. Working in partnership with the Mayor and City Council, city staff, and your community, we can continue to set the standards for excellence in good government and quality of life.

All advisory board, commission, and committee meetings shall comply with the North Carolina Open Meetings Law, which requires that all meetings of "public bodies" be open to the public after proper notice is given. The open meetings law (G.S. 143-318.9 through 143-318.18) defines the term *public body* as any elected or appointed board, commission, and committee, and so forth, in state or local government that (1) has at least two members and (2) exercises or is authorized to exercise any of these powers: legislative, policymaking, quasi-judicial, administrative, or advisory.

Unless otherwise specified in its charter or rules of procedure, a quorum is a majority of the actual members of the advisory board, commission, or committee. A quorum of the advisory board, commission, or committee shall be required in order for any action to be taken.

## **COUNCIL POLICIES**

Appointees are subject to the covenants of this Handbook as well as the Code of Ethics and Attendance Policy for Advisory Boards. These policies are included in this handbook. In addition to the charter, members may be subject to any other resolutions or ordinances establishing policies and procedures for advisory boards. These policies shall apply to every member of an advisory board, commission, or committee that is part of the City of Hendersonville regardless of who appoints the member. In addition, these policies shall apply to all appointees by the City Council to an advisory board, commission, or committee that is not part of the City of Hendersonville.

### **MULTIPLE TERMS / TERMS OF OFFICE**

Excluding elected officials acting in ex-officio capacity, an individual may not serve on more than two advisory boards, commissions, or committees at one time.

Advisory board, commission, or committee members are appointed by and serve at the pleasure of the Mayor and City Council. Appointments for all advisory bodies are made for three-year terms of office unless otherwise specified. Terms on various boards, commissions, or committees are overlapping (staggered) so as to avoid replacement of all members of any one board at a single time. All terms shall become effective on the date specified in the appointing motion by City Council, and upon the appointee having taken the oath of office if required.

The City Council has expressed their preference to limit most advisory board, commission, and committee members' terms of service to two consecutive terms unless otherwise specified in charter or rules of procedure; however, they have reserved the right to override that preference when they deem the circumstances of an individual's service to the community to be of such notable importance as to warrant a continuation of service. In those situations where the City Council deems special circumstances to exist that warrant the continuation of community service by an individual on an advisory board, commission, or committee, any member of the City Council may place the name of that individual into nomination and state that they believe special circumstance warrant a continuation of service. The City Council may then reappoint said individual by voting on the membership to reappoint the individual to another term of office. This process may be repeated as often as the City Council deems the special circumstances to warrant an additional appointment.

A person who has served more than two-thirds of a full term after being appointed to complete the term of a previous board member shall be considered to have served a full term for the purposes of determining eligibility under the provisions of this section.



## **RESIGNATIONS, TERMINATIONS AND REPLACEMENTS**

Any member of an advisory board, commission, or committee who desires to resign shall do so in writing to the staff liaison and/or Office of the City Clerk.

Unless otherwise provided by law, ordinance or resolution, all appointments by the Mayor and City Council to an advisory board, commission, or committee serve at the pleasure of the appointing office and may be removed at the discretion of said office with or without cause. Members of advisory boards, commissions, or committees may be removed from said body for failure to meet attendance requirements.

In the event that a member of an advisory board fails to comply with the attendance policies contained herein, it shall be the responsibility of the chair of that advisory board to notify the Mayor and City Council, in writing, of the policy violation and to request that said member be replaced. City staff liaisons may also initiate notification. Notification should be sent to the City Clerk for dissemination to the Council.

# Public Records

## PUBLIC RECORDS & YOU

All public bodies receive and create public records while conducting regular business. You also produce public records when you function in your official City capacity as an advisory board member. For instance, if you communicate with another individual in your official City capacity or exchange information about matters under your board's purview, you may create a public record even if you use your personal email, voicemail, or video recording to transmit that information. Many people misunderstand the law and assume communications on personal email accounts or via text messages are not subject to the public records law; this is untrue. **All board business-related communications are subject to public disclosure.**

*Did you know?*  Your social media posts can be considered public records.

**No advisory board, commission, or committee member is authorized to create or administer social media pages representing the City or its advisory boards in any way.**

## WHAT IS A PUBLIC RECORD?

North Carolina's public records law, enacted in 1935, is one of the most open public records laws in the United States. The law provides a very broad definition of what is a public record and stipulates that anyone can request a public record for any reason or without reason. Public records are designated by content and function, it does **not** matter in which format it exists or what device was used to transmit the information. By definition, public records are papers, photographs, videos, maps, emails, voicemail messages, instant messages, text messages, minutes, policies or directives, final drafts of reports or recommendations, or any other record created or received while transacting the public business by any agency of North Carolina government or its subdivisions, this includes advisory boards, commissions, and committees.

The purpose of making records public is to allow greater insight into government, provide accountability and transparency in the decision-making process, and ensure open access to the public. Not all information is considered a public record; for instance, personal messages to friends or family members and spam are excluded. In addition, there are records that are protected and not public; for instance, employee personnel file information and personal identifying information (social security numbers, etc.). If you have questions regarding public records, please contact the City Clerk.

## CREATING RECORDS

Board members have a legal responsibility for retaining records pertaining to official City business. Members should identify if records are created or received for official City business and retain any such records.

Email and text messages are public records when created by officials and employees for the purpose of conducting official City business. If the content of an email or other electronic communication meets the definition of a public record, it is subject to disclosure, whether it is in a public or private email account, social media account, or personal cell phone or device. If you must conduct business via text messaging, a good practice for retention is to forward the message to your email account or capture the text message with a screen shot and upload the image to your email account. Members must manage migrated records in their email account through their lifecycle.

***Do not destroy your public records!*** NC G.S. § 132-3(a) requires that you retain certain records for a period of time, and that you turn over certain records if a member of the public requests them when they contain content related to your official City capacity. This is true even if the records are on your personal computer, personal cellphone, or personal email account. To review retention schedules of records, please refer to the City of Hendersonville's Records and Retention and Disposition Schedule which has been provided to your staff liaison or contact the City Clerk.

## PUBLIC RECORDS REQUESTS

Inspection of public records must be made available promptly. If records are requested from you from a city staff member to fulfill a public records request, please make every effort to notify the City Clerk and to make arrangements to provide the requested information in a timely manner. Failure to provide access to records in accordance with the law may subject the City to lawsuits to compel production. Individuals can be held personally liable for attorneys' fees if found to have knowingly or intentionally committed, caused, permitted, suborned, or participated in a violation of the public records law.

If you have any questions, please contact the City Clerk for assistance at [areece@hvlnc.gov](mailto:areece@hvlnc.gov)

# Roles and Responsibilities

## **ROLES AND RESPONSIBILITIES OF ADVISORY BOARD MEMBERS, CHAIRPERSONS AND STAFF LIAISONS**

The roles and responsibilities listed below are general guidelines. It is important that dialogue take place between the members, chairpersons, and staff on how the specific board can function at its optimum. The members and chairperson of a board serve as advisors and receive their charge from the Mayor and City Council. The staff liaison is an employee of the city, usually with other job responsibilities, and is accountable to their department head and/or City Manager. Responsibilities clearly defined by the chairperson and staff will make the board and its work more effective.

### **ADVISORY BOARD MEMBERS**

Board members are an important part of the City of Hendersonville government process. They are selected to be part of an advisory board, commission, or committee that advises the Council on pertinent issues, policymaking, and project development and implementation. This can be accomplished in the following ways:

- It is important for every member to be aware of the time, energy, and commitment that is involved in being part of an advisory board.
- Meeting attendance is critical to the proper function of the board. A member must notify the chairperson and the staff liaison if he / she cannot attend a meeting.
- The majority of work of the advisory board is accomplished at its scheduled meetings. Therefore, all members in attendance contribute to the most effective work plan.
- Members may be asked by the chairperson to complete specific tasks which may include serving on subcommittees. Every member contributes to the problem-solving process. Individual members are encouraged to prepare materials that are substantive and meet required deadlines.
- All members are required to vote on recommendations and actions of the group unless a potential conflict of interests exists or is otherwise allowed by NC General Statutes, or the charter or rules of procedure.
- In order for the board to provide the most comprehensive information to the Mayor and Council, each member works in the spirit of compromise and negotiation in order to reach consensus when possible. Members are asked to keep up to date on information relating to board interest areas.

- Members shall not represent their individual views through any contacts they have with the media as being representative of the full board unless the board has formally taken a position on the matter.
- Members shall communicate through the chairperson upon taking a position on any matter of significance.

## **BOARD CHAIRPERSON**

The board chairperson may be appointed by the Mayor, Council, or the members of their respective board, in accordance with the guidelines and/or charter establishing such board, and act as a link between the Mayor, Council, staff, fellow advisory board members, and the community. It is the duty of the chairperson of each advisory board, commission, or committee to be responsible for notifying the Mayor and Council when members of that board have not met the guidelines for faithful attendance. The chairperson's responsibilities include the following:

- The chairperson makes sure all meetings are open to the public and works with staff liaison and the City Clerk to issue meeting notices in compliance with NC Open Meetings Laws. The chairperson presides over the meetings and acts as meeting facilitator to keep to the agenda and meeting timeframe.
- The chair has the same duty to vote as other members, though in no event may the chair break a tie on a motion on which he or she has already voted.
- A member must be recognized by the chair (or other presiding officer) in order to address the committee.
- As presiding officer, the chair is to enforce rules and maintain order and decorum during committee meetings. To that end, the chair may (1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes; (2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground; (3) entertain and answer questions of parliamentary procedure; (4) call a brief recess at any time; and (5) adjourn in an emergency.
- The chairperson advises the Mayor and City Council upon request or in reference to the mission of the advisory board and board policy.
- The chairperson and/or staff liaison conduct an orientation for new members to familiarize them with the work and operations of the board, as well as the information contained in this handbook.

- The chairperson promotes regular meeting attendance by all members. In the event that a member of an advisory board fails to comply with the attendance policy, or any policy contained herein the chairperson shall notify the Mayor and City Council, in writing, of the policy violation and to request that said member to be replaced. Correspondence shall be directed to the City Clerk for dissemination to the Mayor and City Council.
- The chairperson seeks the input of members on the work program and agenda formulation and uses consensus-building techniques to find optimum recommendations. The chairperson delegates assignments to members, recognizing skill, experience, and interest of individuals in the group; he/she makes sure all members get a chance to participate and uses subcommittees as much as possible to empower the group.
- The chairman in conjunction with the staff liaison develops annual reports which are due to the Mayor and City Council in accordance with adopted policy, or annually.
- The chairperson is encouraged to discuss the advisory board work with applicants seeking appointment to the board.
- The chairperson may recommend certain skill sets necessary to fill individual vacancies that are a reflection of the needs of the board and community.
- The chairperson shall not represent their individual views through any contacts they have with the media as being representative of the full board unless the board has formally taken a position on the matter. The chairperson shall communicate through the staff liaison upon taking a position on any matter of significance. The City's Communications Manager or City Clerk should be consulted with any questions.
- The chairperson keeps the Mayor and City Council apprised of all significant issues, either directly or through the staff liaison.

### **STAFF LIAISONS (SECRETARY)**

Staff liaisons provide important resources to advisory boards. The resources and staff time available to each board varies. Advisory boards report to the Mayor and City Council and the staff liaisons report ultimately to the City Manager, an arrangement that works most effectively when the chairperson and the staff have a clear understanding of what needs to be done and what resources are available to get the job done.

The staff liaison carries out his/her responsibilities in the following ways:

- The staff liaison shall ensure that all meetings of the committee are properly noticed and are open to the public in compliance with NC Open Meetings Laws.
- The staff liaison shall maintain the sunshine list, a list of those persons or entities that have filed a written request indicating a desire to receive notice of all special meetings of the committee.
- The staff liaison shall take and record the actions of the committee and draft minutes of the meetings accordingly. Minutes shall be sent to committee members prior to their next regularly scheduled meeting. The secretary shall also forward a copy of the minutes as they are approved to the Clerk who will provide to the City Council and post on the City's website.
- The staff liaison shall be responsible for maintaining an accurate list of members of the committee, submitting to the City Clerk a quarterly attendance report for its members and notifying the City Clerk of any resignations of any of its members, or any other change in membership of the committee.
- The staff liaison shall provide assistance to clarify the role of the advisory board, commission, or committee, and with routine issues such as the time of meetings, quorums, etc.
- The staff liaison works with the chairperson to prepare each agenda and necessary meeting materials and gathers information, provides research, and makes it available to the board. The staff liaison provides technical and professional expertise to the board.
- The staff liaison updates the City's website calendar events to reflect any addition or omission of meetings and uploads all approved minutes to the portal for public inspection. Official minutes must also be kept in paper form as permanent records in a binder as indicated in the "Minutes" section of this handbook.
- The staff liaison provides attendance reports and notifies the City Clerk's Office of vacancies due to resignations, multiple absences, or other reasons.
- The staff liaison prepares draft reports and correspondence and makes sure all City Council presentations are prepared in the appropriate format and forwarded to the City Clerk.
- The staff liaison keeps his/her supervisor and department head informed on the work of the advisory board.

# Minutes

Under the open meetings law, “full and accurate” minutes must also be kept of the meetings of “public bodies” that are part of municipal government. Included are all advisory boards, commissions, and committees of the city that perform either legislative, policymaking, quasi-judicial, administrative, or advisory functions, and all subcommittees of these boards. The City Council establishes this procedure to ensure that the minutes of advisory boards are properly recorded and maintained.

Minutes of a City advisory board, commission, or committee are the official written record of actions taken by the body. It is the responsibility of the chairperson, through either the secretary or the staff liaison, to keep a record of the proceedings of the board. Minutes shall be kept in a permanent minute book and shall open to public inspection. The minutes provide future generations with the past history of the public body. They are used for many types of research and can be consulted for purposes of verification that certain actions were taken, when those actions were taken, and why. It is imperative that the minutes be a clear, concise, informative, and accurate record of the proceedings of the meeting. Minutes are considered permanent records for purposes of archival.

The minutes must be “full and accurate” (G.S. 160A-72; G.S. 143-318.10e) for they are the legal evidence of what the advisory board has said and done. “Full and accurate” does not generally mean, however, that a verbatim transcript of a meeting’s proceedings must be made. Including a detailed record of comments may well be counterproductive and the board may find itself spending an excessive amount of time at its next meeting discussing the details of this record, which could have been omitted altogether. Rather, the minutes must record the results of each vote taken by the advisory board, and they should also show the existence of any condition that is required before a particular action may validly be taken. The full text of each motion and vote should be recorded indicating any action passed or recommended by the advisory board. The City Attorney will provide additional guidance and procedures for quasi-judicial boards regarding minutes. Minutes should include the following essential facts:

- The name of the board/commission/committee, date, time, and place (address) of the meeting.
- The minutes should state that the meeting was legally convened.
- The names of the members present and absent. The names of staff present and others as appropriate.



- Show that a quorum was present at all times during the meeting. The late arrival and the early departure of members (including whether someone leaving was excused by the remaining members) should be noted.
- The names of any person addressing the board, a summary of subject matter presented, and any action taken as a result of the person's appearance before the board.
- A record of all motions. A motion as finally adopted must be recorded verbatim, along with the name of the person making the motion. The results of each vote shall be recorded indicating votes for and against.
- A record of all ordinances and resolutions introduced (if applicable). Ordinances and resolutions must be recorded verbatim as adopted by the board. Short resolutions and ordinances should be incorporated into the body of the minutes. Lengthy resolutions and ordinances may be attached as an addendum to the minutes.
- A record of all subjects (agenda) before the board and actions taken.
- A statement that the meeting adjourned and at what time.

Draft copies of advisory board minutes are generally prepared by the staff liaison and included in the agenda packet which is submitted to all board members several days before the meeting at which they are to be considered for approval. The circulated draft minutes are a public record that must also be made available for public inspection. The minutes do not become the official record of the committee's action until it approves them. Once the minutes are approved any prior drafts should be destroyed as they no longer have administrative value and are unnecessary to retain. Minutes shall be uploaded into the Municode portal for public viewing and a signed original kept by the staff liaison in a minute book for permanent retention.

The advisory board may correct minutes that it has already approved if it later finds that they are incorrect. In such a case the correction should be noted in the minutes of the meeting at which the correction is made, with an appropriate notation and cross-reference at the place in the minute book where the provision being corrected appears. Non-substantive corrections, such as those pertaining to grammar or spelling, may be corrected outside of the meeting by way of individual members contacting the secretary or staff support for their particular board or commission. Substantive corrections must be taken back before the body for a vote and amendment.

Minutes should be signed by the respective board chair and staff liaison. The staff liaison may ask for assistance from the City Clerk in publishing the minutes.

The minutes should **not** include:

- Any personal opinions or comments (unless meeting is a bona fide public hearing).
- Irrelevant comments or discussion surrounding a topic under discussion or action being taken.

### Order Of Business

The order of business may include additional items more appropriate for its work or which the board sets by policy, or by motion at the start of the meeting. Public comment periods may be added.

- Call meeting to order (ascertain quorum present)
- Discussion and revision of proposed agenda; adoption of agenda
- Approval of the minutes
- Unfinished business
- New business
- Other business (informal discussion)
- Adjourn

# City Council Core Values & Beliefs

The City Council of the City of Hendersonville has established the following core values and beliefs.

**The City of Hendersonville believes municipal government should be non-partisan.**

- Political affiliations are not productive to solving problems of local communities.
- City leaders and staff must lead by example and meet regularly with people who have different points of view.
- City leaders and staff must maintain an awareness of local, state and national political trends but must lead the City in a manner that serves all community members.

**The City of Hendersonville values open, transparent communication and trust with the community and each other.**

- The City will openly communicate with the public and each other to ensure information about services, policies and programs are available to all.
- The City will build trust through ethical and transparent leadership.
- The City will share information and solicit feedback prior to the implementation of new programs and policies.
- The City will be open to concerns and comments from all stakeholders and will ensure the community can easily speak to leaders without fear of retribution/embarrassment.

**The City of Hendersonville believes community members expect services to be delivered at a high level.**

- The City will deliver services at a high level to make people feel their taxes and fees are being used effectively and to encourage others to live in our community.
- The City will deliver services in a manner that ensures the safety of the community.
- The City will deliver services in a manner that limits the disruption of our community members' daily lives to the greatest extent possible.

**The City of Hendersonville values all community members through promoting diversity, equity, and inclusion.**

- The City must evaluate all laws, policies, and rules to ensure that they can be implemented and enforced in a fair and equitable manner.
- The City must evaluate all current and future programs, projects, or initiatives to ensure they build a culture where differences are valued.
- The City must ensure that leaders and staff consistently work to build trust and positive relationships throughout our entire community.

**The City of Hendersonville values its employees and must support them to ensure the provision of high-quality services to its residents.**

- The City must provide growth opportunities to employees and educational tools to allow them to grow in their roles and responsibilities.
- The City must respect and pay employees fairly and competitively.
- The City must support employees by providing a safe and hazard free workplace.

**The City of Hendersonville believes that it must pursue and provide opportunity for responsible growth.**

- The City will establish and maintain policies and programs that encourage economic opportunity and help grow small business and entrepreneurship.
- The City will work with our community to provide educational opportunities about growth and its impact on economic vitality and quality of life .
- The City will encourage responsible growth that provides opportunities for success to all segments of our community.
- The City will make efforts to generate affordable housing options and reduce the impacts of the high cost of living within our community.
- The City will prioritize the protection of existing residential neighborhoods when making growth decisions.

**The City of Hendersonville values the lives of all community members and must protect them through collective action.**

- Our goal is to make the lives of all residents better through collective action.
- The City recognizes the sanctity of each person's life.
- The City must be open to change priorities and policies as circumstances change in the world around us.

**The City of Hendersonville believes environmental sustainability is critical to preserving the community for future generations.**

- The City will evaluate the environmental sustainability of all projects and programs while maintaining a solid relationship with residential and business development.
- The City believes that it is our responsibility to protect all our natural resources and the environment through the implementation of sustainable and responsible projects.
- The City must lead by example by evaluating all city operations to ensure they protect or repair the natural environment and are environmentally sustainable.
- The City will prioritize the protection of existing tree canopy and the development of greenspaces and parks.

# Code of Ethics Resolution

Pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, the City Council adopted a General Principles and Code of Ethics by Resolution #10-1151 to guide Council Members in their lawful decision-making. It is the desire of Council for each Advisory Board, Commission, or Committee Member to acknowledge receipt of and abide by a Code of Ethics and Attendance Policy for Members of Advisory Boards, Commissions and Committees of the City of Hendersonville as set forth by Resolution. The purpose of this Code of Ethics & Attendance Policy is to establish guidelines for ethical standards of conduct for Advisory Board Members and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a member's best judgment.

**Resolution # \_\_\_\_\_**

## **RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ESTABLISHING A CODE OF ETHICS AND ATTENDANCE POLICY FOR MEMBERS OF ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES OF THE CITY OF HENDERSONVILLE**

**WHEREAS**, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics and, pursuant to Section 160A-86, the City Council has previously adopted a Code of Ethics Resolution #10-1151 on December 4, 2010 for the Mayor and City Council; and

**WHEREAS**, it is appropriate that members of City advisory boards, commissions, and committees as well as Mayoral and City Council appointees to non-city bodies (hereinafter "Advisory Board Members"), also adhere to a Code of Ethic; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the City of Hendersonville, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we do hereby adopt the following General Principles and Code of Ethics & Attendance Policy to guide Advisory Board Members in their lawful decision-making.

### **GENERAL PRINCIPLES AND CODE OF ETHICS**

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for advisory board members and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a member's best judgment.

The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.

Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

Advisory board members must be able to act in a manner that maintains their integrity and independence yet is responsive to the interests and needs of those they represent and must always remain aware that they may, at various times, play different roles:

As advisors, who balance the public interest and private rights in considering and recommending, among other things, ordinances, policies, and decisions.

As decision-makers, who arrive at fair and impartial determinations.

Advisory board members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

Advisory board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of the Mayor and City Council and the citizens of the City of Hendersonville. Each board member must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

### **Section 1**

Advisory board members should obey all laws applicable to their official actions. Advisory board members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, advisory board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. However, in doing so, advisory board members:

(a) shall be mindful that they were appointed by the Mayor or City Council, or by another appointing authority to a City board, commission, or committee and, therefore, if they are advising or advocating a position that is contrary to a Council policy, that they notify the Mayor and City Council of such as soon as practicable;

(b) who serve in an advisory capacity shall be mindful that their chief responsibility is to advise the Mayor and City Council or other decision-making body rather than to advocate to the public at large, particularly when the position of advocacy is contrary to a Council policy;

(c) shall understand that they hold a position of trust on behalf of the City and its citizens;

(d) shall assert policy positions and opinions on matters within or related to the jurisdiction and subject matter of the body on which they serve only through the transparency of official proceedings of the body or in a capacity and manner appropriate for a member of such body. Advisory board members shall not represent their individual views as being representative of the full body unless they have been formally authorized by the body to do so;

(e) shall faithfully attend regular and special meetings of the body.

These guidelines are especially important to chairpersons who must recognize that they are often viewed as speaking for the body.

To declare that an advisory board member is behaving unethically because one disagrees with that official on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

## **Section 2**

Advisory board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Exhibiting trustworthiness
- 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
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- For advisory board members who act in a quasi-judicial capacity, 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
- Treating other board members, staff and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Showing respect for their offices and not behaving in ways that reflect badly on those offices



- Recognizing that individual advisory board members are not generally allowed to act on behalf of the body but may only do so if the body specifically authorizes it, and that the body must take official action as a body

### **Section 3**

Advisory board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach and they should not use their official position for personal gain. Although opinions may vary about what behavior is inappropriate, the Mayor and City Council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the advisory board member's action would conclude that the action was inappropriate.

If an advisory board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the staff liaison who will confer with his or her department supervisor and/or the City Attorney who will consider the facts of the situation and the steps necessary to resolve it.

### **Section 4**

Advisory board members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned. Advisory board members should be willing to bear their fair share of the body's workload. To the extent appropriate, they should be willing to put the City's interests ahead of their own.

### **Section 5**

Advisory board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to them or City employees.

In order to ensure strict compliance with the laws concerning openness, the Mayor and City Council have made it clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should take deliberate steps to make certain that any meetings held by the body are lawfully conducted and that such meetings do not stray from the purposes for which they are called.

## **Section 6                      ATTENDANCE POLICY**

Advisory board members should faithfully attend and prepare for meetings and adhere to the following attendance policy.

In order for an advisory board, commission, or committee to be effective and efficient, and to accomplish its purpose, its membership must be actively involved and attentive to the business of the body therefore the Mayor and City Council may dismiss any member who misses three consecutive meetings or one-half of the meetings held in a calendar year without good cause (such as temporary severe illness of a member or such member's family

or overriding but temporary business concerns). Such dismissal may be considered upon complaint by the chairperson, a member of the advisory board, staff liaison, or on the City Council's own motion.

On January 1st of each year, a member of any advisory board appointed by the Mayor or City Council may be automatically removed from said body for failure to attend at least one half of all regular and special meetings of the body held during the immediately preceding calendar year.

### **Sanctions**

In the event that a member of an advisory board fails to comply with the code of ethics or attendance policy the chairperson or staff liaison shall notify the City Clerk in writing of the policy violation and to request that said member be replaced. The City Clerk will forward the complaint to the Mayor and City Council for review. Following the review of an allegation against a member of a City advisory board, the City Council may sanction the member who was the subject of the review. Potential sanctions include removal of the member, adoption of a resolution of censure, and any other lawful sanction within the City Council's power.

**Adopted by the City Council of the City of Hendersonville, North Carolina on this \_\_ day of \_\_, 2022.**

s:/Barbara G. Volk, Mayor

### **ATTEST:**

s:/Angela L. Reece, City Clerk

# Policy for Administering Boards

## **PROCESS FOR PUBLIC NOTIFICATION, NOMINATIONS AND APPOINTMENTS**

Appointments to advisory boards, commissions and committees shall be made as necessary and in compliance with any North Carolina General Statutes, if applicable. City Council members may nominate applicants for appointment to each of the positions to be filled by Council during any scheduled meeting. Appointment may be made upon a motion and majority vote of Council at the same meeting at which the nomination is made or at any meeting to which City Council deems appropriate. The City Council reserves the right to alter this process as necessary and without notice.

At least four weeks prior to nominations, the City shall publicize vacancies to be filled by appointment of the Council as follows: (i) the City Clerk shall provide the Council with a list of upcoming vacancies; and (ii) the City Clerk shall provide such information to the public through the City's website, social media and other opportunities. Any vacancies created by resignation or automatic removal shall be included with the next group of nominations or at any time City Council wishes to place nominations on their agenda for consideration.

By nominating a person who has not submitted an application for the subject advisory board, commission, or committee, the nominating Council member certifies that the person has indicated an interest in serving and that the nominee will submit an application to the City Clerk's Office by noon the day before the appropriate Council agenda for appointment to be delivered to Council. If such application is not made, the nomination will be deemed to have been withdrawn. The City Clerk's Office will notify the nominee of the actual deadline for submitting the application the day following the nomination.

## **OATHS OF OFFICE/ORIENTATION**

For an advisory board, commission, or committee requiring an oath of office, a new member may not vote on any matter until the oath of office has been administered. Reappointed members shall also be administered the oath of office.

Staff liaisons shall conduct an orientation session for new members with the chair in attendance prior to or at the first regular meeting after appointment. Expectations shall be given concerning attendance, conflicts of interest, information on City government, etc.

## **RESIDENCY REQUIREMENTS**

Appointees to advisory boards, commissions, and committees shall be domiciled in the City of Hendersonville, unless otherwise specified or provided for by law, ordinance, or City Council action establishing said advisory board, commission, committee, or in the rules or bylaws of said advisory board, commission, committee, if approved by the City Council.

## **ATTENDANCE**

Staff liaisons shall file attendance reports with the City Clerk pursuant to the schedule established by the City Clerk. The City Clerk shall send a letter to any member who is in danger of violation of the attendance requirement, asking them to be mindful of said requirement.

Vacancies resulting from the removal of a member shall be filled by the same method as provided for initial appointments.

## **REPORTS OF BOARDS, COMMITTEES, AND COMMISSIONS**

The Council finds it appropriate to periodically review each standing advisory board, commission, or committee, to which they make appointments for the purpose of assessing whether said advisory board, committee, or commission should be renewed, dismantled, expanded or its charge redefined. To this end, each advisory board, commission, and committee, that is part of the City, or that was established by the City Council, whether acting alone or in conjunction with one or more other local governments, is required to submit annual written reports that must contain in depth reviews of the body's activities including goals, objectives, successes, problems, and/or the need for Council assistance. These reports shall be submitted to the City Clerk and will be staggered through the year according to a schedule established by the City Clerk or as established by the advisory board's charter or rules of procedure. The City Clerk shall then provide the Mayor and City Council with copies of the reports and place on the City Council agenda at Council's direction.

## **ROBERTS RULES OF ORDER**

The Committee shall refer to the current edition of Robert's Rules of Order Newly Revised for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the presiding officer shall make a ruling on the issue subject to appeal to the committee.

# Descriptions of Boards & Commissions

Visit the City's website at <https://www.hendersonvillenc.gov/> for additional information and to view specific membership requirements.

## **ABC Board**

***3 Member Board each serving a 3-year term.***

**Meetings will be held on the 3rd Tuesday of each month, 10:00 a.m. at the ABC Office, 205 S. Church St.**

- The ABC Board is responsible for the general oversight of the City operated ABC store(s).
- All actions are subject to the review and oversight of the State Board of Alcoholic Control.
- City Council will appoint the chairperson of the ABC Board.

## **Animal Services Advisory Committee**

***8 Member Committee each serving a 3-year term.***

**Meetings will be held on 3rd Thursday, 5:30 p.m. in the Roll Call Room of the Police Department at 630 Ashe Street**

- The Animal Services Advisory Committee assists the Hendersonville City Council by providing input on the operations and policies of the Hendersonville Police Department regarding the enforcement of the Animal Ordinance.
- This committee shall also hear dangerous dog appeals in a quasi-judicial format.
- Members are selected at-large from various affiliations and diverse backgrounds.
- One member must be a veterinarian.
- Committee will elect Chair and Vice Chair and may appoint subcommittees.

## **Board of Adjustment**

***10 Members and 2 Alternates (each serving a 3-year term)*** Any vacancy in the membership shall be filled by the appointing authority.

**Meetings will be held on the 2<sup>nd</sup> Tuesday, 1:30 p.m. at the City Operations Center.**

The Board of Adjustment shall operate according to powers granted under the authority of Article 19, Planning and Development Regulation - North Carolina G.S. 160A-360 and has the authority to:

- Hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with the enforcement of the Zoning Ordinance or the Subdivision Ordinance.
- Hear and decide requests for variances from the requirements of the Zoning Ordinance.
- Review applications for conditional use permits and to issue conditional use permits in accordance with the provisions of the Zoning Ordinance.
- Make interpretations of the Official Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions as arise in the administration of the Zoning Ordinance.
- Enter, at reasonable times, upon private lands and make examinations or surveys as necessary for the performance of its official duties.

- Request City Council to hold public hearings on matters within the purview of the board.
- Hear and decide any other matter as required by the provisions of the Zoning Ordinance and the Code of the City of Hendersonville.
- Adopt rules consistent with the Zoning Ordinance or General Statutes governing the organization of the board and proceedings before the board.
- The Board of Adjustment will appoint its Chair and Vice Chair.

#### **Business Advisory Committee**

***9 Member Committee each serving a 3-year term.***

**Meetings will be held on the 2<sup>nd</sup> Monday of January, April, July, and October 11:30 a.m. at the City Operations Center**

- The committee serves in an advisory capacity to the Council to review and discuss existing and/or proposed policies and ordinances that have an impact on businesses and to prevent unintended consequences from decisions made by the Council
- The committee will appoint the Chair.
- Vacancies are filled by the appointing authority.

#### **Diversity & Inclusion Advisory Committee**

***7 Member Committee each serving a 3-year term.***

**Meetings will be held on the bi-monthly on the second Tuesday of January, March, May, July, September, and November at 5:30 p.m. at the City Operations Center**

- The committee shall provide input and guidance for the City Council's strategic objective to prioritize equity and inclusion and create a culture of belonging, address past inequities, and treat everyone with respect and dignity, subject to such limitations as may be imposed by state law or by ordinances of the city.
- The committee will appoint the Chair and Vice Chair.

#### **Downtown Advisory Board (Representing the Main Street and 7<sup>th</sup> Ave. Main Street Municipal Service Districts (MSD))**

***14 Member Board each serving a 3-year term.***

**Meetings will be held on the 2<sup>nd</sup> Monday of January, April, July, and October 11:30 a.m. at the City Operations Center**

- The board serves in an advisory role to the City Council in matters pertaining to the Hendersonville Main Street Municipal Service District and 7th Avenue Municipal Service District subject to such limitations as may be imposed by state law or by ordinances of the City.
- The board works in concert with City Staff and City Council to implement the historic preservation based economic development strategy developed by the National Main Street Center and known as "The Four Point Approach." The board is an active member of the North Carolina Main Street Program.
- The board will appoint the Chair.

### **Environmental Sustainability Board**

***9 Member Committee each serving a 3-year term.***

**Meetings will be held on the 3rd Thursday of each month at 4:00 p.m. at the City Operations Center**

- The Environmental Sustainability Board will advise the City Council on policies and practices dealing with the environment and energy conservation and assist with citizen-education efforts.
- The board will appoint the Chair.

### **Historic Preservation Commission**

***9 Member Commission each serving a 3-year term.***

**Meetings will be held on 3rd Wednesday of each month at 5:00 p.m. at the City Operations Center**

- The Historic Preservation Commission's purpose is to designate historic districts and landmarks within the City of Hendersonville. In addition, this commission shall develop and recommend to the City Council rules and regulations governing the designation and maintenance of historic properties in the City.
- The commission is governed by City Ordinance and by authority of Chapter 160A-400.1 of the North Carolina General Statutes.
- Members must live within the territory subject to the zoning jurisdiction of the City.
- The commission will appoint the Chair and Vice Chair.

### **Planning Board**

***10 Member Board each serving a 3-year term.***

**Meetings will be held on the 2<sup>nd</sup> Monday of each month 4:00 p.m. at the City Operations Center.**

- The Planning Board is established to advise the City Council on matters related to land use and community development. The board shall be governed by the terms of GS§§ 160D-301 of the North Carolina General Statutes, and by the terms of the City Zoning Ordinance and Subdivision Regulations, and any subsequent amendments thereto. All board members shall thoroughly familiarize themselves with the provisions of these statutes and ordinances.
- The board will appoint the Chair and Vice Chair.
- Vacancies are filled by the appointing authority.

### **Tree Board**

***7 Member Commission each serving a 3-year term.***

**Meetings will be held on the 3<sup>rd</sup> Tuesday of each month 2:00 p.m. at the City Operations Center.**

- The board is to study, investigate, counsel, develop and/or update annually and administers a written plan to City Council for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas
- The board will appoint the Chair.

### **Walk of Fame Steering Committee**

***5 Member Board each serving a 3-year term.***

**Meetings will be held on the 2<sup>nd</sup> Tuesday of each month, 10:00 a.m. at the City Operations Center.**

- The Walk of Fame Steering Committee was established in 2016 by the Hendersonville City Council and Henderson County Board of Commissioners to honor those individuals who have made a significant and lasting contribution to the quality of life in Henderson County – who have, indeed, cast a long shadow on our county history.
- The committee will appoint the Chair.
- Vacancies are filled by the appointing authority.

### **Water & Sewer Advisory Council**

***11 Member Council – Elected Officials & Representatives of each municipality in Henderson County.***

**Meetings will be held on the 4<sup>th</sup> Monday of January, April, July, and October 6:00 p.m. at the City Operations Center.**

- The Water and Sewer Advisory Council is a requirement of the 2002 Mud Creek Sewer District Purchase and Interlocal Cooperation and Settlement Agreement with Henderson County.
- Vacancies are filled by the appointing authority.



## **ACKNOWLEDGEMENT OF RECEIPT OF HANDBOOK FOR MEMBERS SERVING ON ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES**

On the date written below, I received the “Handbook for Advisory Board, Commission, and Committee Members — A Comprehensive Guide to the City of Hendersonville’s Boards and Commissions.” I acknowledge this handbook contains basic information related to serving as a volunteer on a Board or commission as well as specific policies as shown below:

- Code of Ethics & Attendance Policy
- Policies and Procedures for Administering Boards and Commissions

I understand that I am responsible for reviewing the contents of this handbook and asking questions if I do not understand any part of it.

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

BOARD OR COMMISSION: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

A signed copy of this form will be maintained in the Office of the City Clerk