

BOARD OF COMMISSIONERS

NEW MEMBER GUIDE

Town of Waxhaw
1150 N. Broome Street
Waxhaw, NC 28173
704.843.2195
704.843.2196

WAXHAW
Est. 1889
NORTH CAROLINA



MESSAGE FROM MAYOR RONALD P. PAPPAS:

Serving on an advisory board or commission can be a rewarding experience for community service-minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to help shape the future of Waxhaw. Making local government effective and responsive is everybody's responsibility.

Members of advisory boards and commissions provide an invaluable service to our Town. Through the six (6) boards and commissions established by the Town of Waxhaw Board of Commissioners, citizens can provide input on the policies that shape their government and their town. They advise the Town Board on a wide variety of subjects by making recommendations on important policy matters. As services and programs provided by the Town continue to grow, boards and commissions play an integral role in providing detailed studies and considered advice to the Town Board. Advisory boards and commissions are often catalysts for innovative programs and improved services.

This Board and Commission Guide provides information about applying for and being a member of a Waxhaw Advisory Board or Commission. It explains in detail the roles and responsibilities of commission members in relationship to the Waxhaw Town Board, town staff, and the community. Please take advantage of the information provided to be successful as a member of a Waxhaw Advisory Board or Commission.

On behalf of the Town Board, I wish to thank each Advisory Board and Commission for their service and extend an invitation to all residents of the Town to give serious consideration to serving on a citizens' advisory body.

Contents

OVERVIEW OF LOCAL GOVERNMENT STRUCTURE.....	1
Authority to Govern	1
Council Manager Form of Government.....	1
Citizen Participation	2
Organizational Chart	2
 OVERVIEW OF WAXHAW BOARDS & COMMISSIONS.....	 3
Why have Boards & Commissions?.....	3
Types of Boards & Commissions	3
How do Boards & Commissions Operate?	4
Roles of Boards & Commissions	4
 APPOINTMENT PROCESS	 8
 PROCEDURAL RESPONSIBILITIES	 9
Open Meetings Law	9
Quorum	10
Attendance and Term Length	10
Ethics.....	10
Conflict of Interest	11
Public Records	12
 ROLES	 13
Board & Commission Members	13
Chairperson.....	13
Board Secretary	14
Staff Liaisons.....	14
 WHAT MAKES AN EFFECTIVE BOARD OR COMMISSION?	 15
 WORK PLANS	 16
 APPENDIX A.....	 16
Motions & Voting	16
Organizational Chart.....	24
Acknowledgement of Receipt Form.....	25

OVERVIEW OF LOCAL GOVERNMENT STRUCTURE

AUTHORITY TO GOVERN

Towns are stewards of the state. That is, the state authorizes a city to govern through its enabling legislation and dictates the reach of a town's authority. North Carolina towns have been given power to govern over only the specific functions where authority has been granted to them by the state. You can read the state statute on cities and towns in Chapter 160A of the North Carolina General Statutes, which can be found on the North Carolina General Assembly website (<https://www.ncleg.gov/Laws/GeneralStatutesTOC>).

COUNCIL MANAGER FORM OF GOVERNMENT

On August 9, 2005, the Town of Waxhaw amended its Town Charter to adopt the council-manager form of government. This form of government recognizes the Board of Commissioners (BOC), which is comprised of the Mayor and five (5) Commissioners, as the town's governing body and allows the board to focus their time on legislation and policy development. The BOC is elected by the public and is charged with providing leadership through legislative direction and policy development for the benefit of the town. They are leaders and policy makers elected to represent the community and to concentrate on policy issues that are responsive to citizen's needs.

Waxhaw Board of Commissioners Authority:

- Provides legislative direction and policy development
- Sets the direction of the organization
- Adopts a budget, levies property tax and makes appropriations
- Identifies and communicates community needs
- Appoints a town manager and town attorney
- Appoints members of the town's advisory boards and commissions
- Expected to make independent decisions based on their understanding of the issue and statutes

The Waxhaw Board of Commissioners (BOC) appoints a town manager to achieve the desired goals, set by the Town Board. The Manager oversees the day-to-day operations of the town and executes BOC established laws and policies. The Town Manager also ensures the equitable and responsive delivery of services to all the community is being served. The Town Board also appoints the Town Attorney. Both employees (manager and attorney) are "at will" employees and may be terminated by the governing body at anytime.

Town Manager Authority:

- Administers day-to-day operations
- Faithfully executes policy established by the governing body
- Accountable for functions and services provided to the citizenry
- Attends all BOC meetings and provides guidance and feedback
- Prepares and submits an annual budget as well as financial reports
- Authority to hire and fire town staff
- Serves at the pleasure of the BOC

In the council-manager form of government, the BOC and Town Manager are most effective when there is mutual respect between both parties and the BOC supports the organizational teamwork necessary for staff to successfully implement the BOC's policies.

CITIZEN PARTICIPATION

The purpose of advisory board and commission meetings is to permit open discussion on specific topics in a setting that is more informal than a BOC meeting, to hear public expression on issues and to inform the public of what the advisory board and commission is doing. Board and Commission members have an obligation to consider the welfare of the entire town, to be fair, objective and courteous, and to afford due process to all who come before them.

Successful examples of citizen participation in the local government decision-making process are widespread among professionally managed communities. Because professional local government management offers government of the people, by the people and for the people, it sets the stage for citizen activism by encouraging open communication between citizens and their government. Because political power is concentrated in the entire governing body rather than one elected official, more citizens have an opportunity to be elected to a position in which they have significant influence over the future of their community.

The Town of Waxhaw values and encourages citizen participation and feedback. The town appoints over 40 members to six (6) advisory and/or quasi-judicial bodies. In addition, the town regularly holds public hearings and community meetings to gather community input.

ORGANIZATIONAL CHART

[see Appendix B]

OVERVIEW OF WAXHAW BOARDS & COMMISSIONS

WHY HAVE BOARDS & COMMISSIONS?

The Town of Waxhaw has six (6) active, standing boards and commissions. Some are advisory in nature to the Town Board, while others have distinct responsibilities that are established by law. Boards and commissions help the Town Board set priorities by balancing public interest and providing informed recommendations, offer citizens an opportunity to participate in the town's governmental affairs, and help the BOC acquire a more comprehensive understanding of public opinion.

TYPES OF BOARDS & COMMISSIONS

Board and commission activities are varied but generally fall into three (3) categories. Any board or commission may belong to one or more of the types listed below and all boards and commissions act on an advisory level.

1) Autonomous Boards – These boards are structured under general laws or local acts of the state. They are self-governing and function independently of any outside control. They report to the Town Board and adhere to policies of the BOC that directly affect board responsibilities.

- ABC Board
- Historic Preservation Commission
- Planning Board

2) Quasi – Judicial Boards – These boards make findings of fact and conclusions of law in handling appeals that affect provision of the Town Code. They are quasi-judicial in that the hearings must comply with due process requirements and the decisions are subject to review in Superior Court. They may also have an advisory role.

3) Advisory Boards – These boards develop short and long-term goals and make recommendations to the Town Board. They do not have the authority to make final decisions, but their informed recommendations to the BOC are heavily weighted. In their advisory capacity, the boards act as important sources of citizen information on a variety of activities that affect the town and residents. Advisory boards are tasked with taking on the issues and concerns of citizens, understanding and exploring possible options and providing feedback and recommendations to the BOC.

- Organization Advisory Board
- Parks, Cultural & Recreation Advisory Board

- Public Art Selection Jury

HOW DO BOARDS & COMMISSIONS OPERATE?

- Each board receives its charge from the North Carolina General Statutes and/or from a town ordinance or resolution establishing the board.
- Each board shall adopt Rules and Procedures, including, but not limited to, the following:
 - Purpose
 - Membership composition and the election of officers
 - Outline of the duties of each officer
 - Meeting schedules and guidelines for posting meetings
- The board will comply with Open Meeting Laws, including notice of meetings.
- In order to conduct official business at a regular or special meeting, a quorum of the board must be present. In the absence of a rule, by-law, or statute providing otherwise, a quorum is more than half of the members of the board, not counting vacant seats.
- The Town Board may, from time to time, ask a board to consider specific items not in conflict with existing laws.
- Each board shall provide a work plan to the Town Board annually outlining their initiatives for the year.
- An orientation session shall be conducted for all new appointees by town staff.
- No board or commission member, who is not present at a meeting shall be allowed to vote by proxy.
- A board or commission member shall not use email, instant messaging, text messaging, chat rooms or other private communication during meetings, all of which might be perceived as deliberating in secret, violating Open Meetings Laws.

ROLES OF BOARDS & COMMISSIONS

ABC BOARD:

The ABC Board (ABC) consists of five (5) regular members. The ABC is a statutory board that develops and maintains control of spirituous liquors in accordance with the North Carolina ABC Commission. The purpose of this board is to make available sales of spirituous liquors through the ABC store, to determine objectives and goals for the operation of the ABC store

as well as prepare recommended plans for achieving these goals and to develop recommended policies & procedures for carrying out sales of spirituous liquors in a coordinated and efficient manner.

The ABC Board shall be governed by the terms of Chapter 18B, Article 7 of the General Statutes of North Carolina. All members shall thoroughly familiarize themselves with these laws.

- **Appointment Process** – Applicants are vetted by the Clerk’s Office, interviewed by the Organization Advisory Board and considered for appointment by the Board of Commissioners.
- **Term** – 3 year staggered, except when unexpired terms are filled due to unexpected vacated seats.
- **Residency Requirement** – 5 members must reside in the town limits.
- **Meets** – Third Monday of each month at 6:00 p.m. in the ABC Store.

Staff Liaison: Barbara Blackwell, Town Clerk

ABC Rules of Procedure 

HISTORIC PRESERVATION COMMISSION:

The Historic Preservation Commission (HPC) consists of seven (7) regular members. The HPC is a statutory board which primarily decides on Certificates of Appropriateness for repairs and maintenance of local historic landmarks, administers façade improvement grants for improvements on historic buildings in downtown and recommends local historic landmark and/or district designations. A majority of the members must have demonstrated special interest, experience or education in history, architecture, archaeology or related fields.

The Historic Preservation Commission shall be governed by the terms of Chapter 160D Article 3 of the General Statutes of North Carolina and the Land Development Code (LDC) of the Town of Waxhaw. All members shall thoroughly familiarize themselves with these laws.

- **Appointment Process** – Applicants are vetted by the Clerk’s Office, interviewed by Organization Advisory Board and considered for appointment by the Board of Commissioners.
- **Term** – 3 year staggered, except when unexpired terms are filled due to unexpected vacated seats.
- **Residency Requirement** – 7 members must reside in the town limits.
- **Meets** – Second Thursday of each month at 6:30 p.m. in the Waxhaw Police Department Community Room.

Staff Liaison: Janet Peirano, CZO Planner

HPC Rules of Procedure 

ORGANIZATION ADVISORY BOARD:

The Organization Advisory Board (OAB) consists of five (5) regular members. The OAB is an advisory board that makes recommendations to the BOC on a slate of candidates for appointment to Waxhaw's Advisory Boards. Members of this board review applications and vet applicants interested in serving their community.

- **Appointment Process** – Applicants are vetted by the Organization Advisory Board, which will make a recommendation of appointments to the Board of Commissioners.
- **Term** – 3 year staggered, except when unexpired terms are filled due to unexpected vacated seats.
- **Residency Requirement** – None
- **Meets** – As needed

Staff Liaison: Barbara Blackwell, Town Clerk

OAB Rules of Procedure 

PARKS, CULTURAL & RECREATION ADVISORY BOARD:

The Parks, Cultural & Recreation Advisory Board (PCR) consists of nine (9) regular members. The PCR is an advisory board that works with town staff to assist with Waxhaw's most visible quality of life initiatives. Committee members conduct research, assist with park/trail designs, implement Waxhaw's public art plan, promote Waxhaw-centric cultural & recreational activities, and ensure equitable distribution of amenities for all residents. This board also assists with identifying future opportunities for park development and recreational needs.

- **Appointment Process** – Applicants are vetted by the Clerk's Office, interviewed by Organization Advisory Board and considered for appointment by the Board of Commissioners.
- **Term** – 3 year staggered, except when unexpired terms are filled due to unexpected vacated seats.
- **Residency Requirement** – None
- **Meets** – Third Wednesday of each month at 6:30 p.m. in the Meeting Place.

Staff Liaison: Dena Sabinske, Parks & Recreation Director

PCR Rules of Procedure 

PLANNING BOARD:

The Planning Board (PB) consists of seven (7) regular members. The PB is a statutory board that makes recommendations to the BOC on development plans including rezoning requests, conditional use permits, text amendments and major subdivision plans. The PB also makes recommendations on updates to the Waxhaw Comprehensive Plan, the long-range guiding plan for Waxhaw's development, as well as other long-range small area plans to ensure proper planning for the future growth of Waxhaw.

The Planning Board also serves in the capacity of the Board of Adjustment (BOA), consisting of five (5) regular members and two (2) alternate members. While serving in this capacity, the board is tasked with hearing and deciding on variances to the Town of Waxhaw's Land Development Code (LDC) and appeals from the Planning & Inspections Director. In order to grant a variance, a hardship must be proved by the applicant. Decisions on appeals are based on what the board believes to be the actual meaning and intent of the ordinance. Appeals from a decision rendered by the board are filed with the Superior Court.

The Planning Board shall be governed by the terms of Chapter 160D, Article 3 of the General Statutes of North Carolina and the Land Development Code (LDC) of the Town of Waxhaw. All members shall thoroughly familiarize themselves with these laws.

- **Appointment Process** – Applicants are vetted by the Clerk's Office, interviewed by Organization Advisory Board and considered for appointment by the Board of Commissioners.
- **Term** – 3 year staggered, except when unexpired terms are filled due to unexpected vacated seats.
- **Residency Requirement** – 7 members must reside in the town limits.
- **Meets** – Third Tuesday of each month at 6:30 pm at the Waxhaw Police Department Community Room, 3620 Providence Road South.

Staff Liaison: Lisa Thompson, Planning & Inspections Director

PB Rules of Procedure 

PUBLIC ART SELECTION JURY:

The Public Art Selection Jury (PASJ) consists of five (5) regular members, three (3) of which shall be appointed from other Waxhaw Advisory Boards. The PASJ is an advisory board that reviews requests on public art acquisition, display and retention for the purposes of making recommendations to PCR, who will in turn make recommendations to the BOC for a final decision.

- **Appointment Process** – Applicants are vetted by the Clerk's Office, interviewed by Organization Advisory Board and considered for appointment by the Board of Commissioners.

- **Term** – 3 year staggered, except when unexpired terms are filled due to unexpected vacated seats.
- **Residency Requirement** – None
- **Meets** – As needed

Staff Liaison: Dena Sabinske, Parks & Recreation Director

PASJ Rules of Procedure 

APPOINTMENT PROCESS

The appointment process is intended to provide a clear overview of how applicants are moved through the selection process and ultimately appointed/re-appointed to serve in a voluntary capacity on a board or commission. This process was designed to ensure consistency in making necessary recommendations and appointments to boards & commissions.

Step 1: Recruitment and Application Process

The Clerk's Office seeks applicants from all segments of the community, representing various interests and groups. During the months of May - June, the Clerk's Office actively advertises for all board & commission seats coming open at the end of the term on September 30th as well as any other open positions that may exist. This announcement will specify the vacancies for all boards and will provide details regarding the application process including the deadline for receipt of applications.

During the month of May, the Clerk's Office will notify all members with terms expiring on September 30th of the corresponding year that new applications must be submitted in order to be considered for reappointment.

In order to be eligible for appointment to a board, candidates must file an application with the Clerk's Office no later than June 30th. Applications are only considered for the board selected on the application. A separate application must be submitted to serve on multiple boards. Please note that applications may be submitted at any time during the year and will remain active until May 1st of the following year.

The Clerk's Office will distribute packets containing all applications to the Organization Advisory Board by July 15th. The OAB will consider all applications received for appointment to all boards. The OAB will interview and recommend a Slate of Candidates to the BOC for consideration. Appointments will be made at a BOC meeting prior to September 30th.

Applications not selected or received after June 30th will be considered when vacancies arise during the year.

Step 2: Selection and Appointments

Staff will review all applications with staff liaisons and Organization Advisory Board (OAB) to determine which candidates are the most qualified for a particular board. Considerations will be given to any additional applicants who should be considered for an interview based on the skill sets needed for a board. OAB will interview ALL candidates and rank them based on qualifications and talents. OAB will, then, make recommendations based on the most qualified candidates to the BOC for appointment. The Clerk's Office will provide assistance to the OAB on scheduling interviews with ALL candidates.

The OAB will provide a list of appointment recommendations, along with justifications, to the Clerk's Office no later than August 15th.

The Clerk's Office will place the appointment recommendations on a BOC meeting for the Board to review and discuss potential candidates interested in serving on an advisory board. The Board will adopt a slate of candidates for appointment, once agreed upon.

Once appointments have been made by the BOC, the Clerk's Office will communicate to all newly appointed/re-appointed members advising them of their appointment status and schedule orientation training and administer the oath of office.

PROCEDURAL RESPONSIBILITIES

OPEN MEETINGS LAW

"The goal of government transparency is at the heart of the Open Meetings Law. All meetings of public bodies and decision making by public bodies must be conducted openly to give meaning to the state's official policy that government operations are the people's business."

"Public body" is a broad term that includes any authority, board, commission, committee, council, or other body of state or local government that has at least two members and carries out one of five functions: legislative, policy making, quasi-judicial, administrative or advisory. The law covers both elected and appointed boards and commissions.

The ABC Board, Historic Preservation Commission, Parks, Cultural & Recreation Advisory Board, Planning Board, and Public Art Selection Jury are all appointed by the Board of Commissioners and therefore considered a public body. All meetings are open to the public and notice must be given 48 hours prior to all meetings. A quorum is necessary in order to hold a meeting and to conduct business. Agenda and minutes are prepared for meetings, and you will have staff support and town resources, as needed. Boards and Commissions may gather informally or socially without constituting an open meeting.

QUORUM

A quorum is held when there is a majority (more than half) of the Board members present, plus the Chair. Vacant seats should not be counted.

A member who has withdrawn from a meeting without being excused by majority vote of the remaining members at the meeting shall be counted as present for purposes of determining a quorum. The vote of unexcused members constitutes an affirmative vote (N.C.G.S. 160A-75), unless the vote pertains to a zoning ordinance (N.C.G.S. 160A-385).

ATTENDANCE AND TERM LENGTH

- 1) Appointees to boards and commissions are expected to attend all meetings as possible.
- 2) The Rules of Procedure for each board established that if a member fails to attend three (3) consecutive regularly scheduled meetings or a minimum of seventy percent (70%) of all meetings in any fiscal year, the board, upon a simple majority vote, may request, in writing, that the Board of Commissioners determine such position vacated. The Town Clerk shall notify the members and report to the Town Board a recommendation of removal by the board.
- 3) Cancelled meetings shall count as an attended meeting.
- 4) The staff liaison shall be responsible for reporting on attendance to the Town Clerk, upon request.
- 5) The term of service on all boards and commissions is three (3) years, unless otherwise provided by law.
- 6) Reappointment to a second term is not automatic and will be based on circumstances to be determined by the Town Board in each individual case.
- 7) A member shall serve until the expiration of their term, unless otherwise provided by law.

ETHICS

“Ethics” basically means “a set of moral principles.” There has always been a general feeling that municipal officials should act in an ethical fashion, including that officials should strive to do what is right for the whole town and not just what is good for a person or group, that officials should not take bribes, trade favors for election support, or engage in transactions, which will benefit an official or an official’s family member (generally called “conflicts of interest”) and that officials should not discriminate on racial or other inappropriate grounds.

Of these various ethical issues, “conflicts of interest” are the most likely to occur from time to time. When faced with a potential conflict of interest, an official should (1) avoid voting in a

fashion, which produces inappropriate personal or family benefits, (2) disclose the potential conflict to all others involved in the decision, and (3) sometimes “recuse” himself or herself (e.g., don’t vote or otherwise act on the particular issue).

In 2012, the State Legislature enacted a law requiring the governing boards of counties, municipalities, school boards, and a few other agencies to adopt a code of ethics addressing the following areas:

1. The need to obey all applicable laws regarding official actions taken as a board member.
2. The need to uphold the integrity and independence of the board member’s office.
3. The need to avoid impropriety in the exercise of the board members’ official duties.
4. The need to faithfully perform the duties of the office.
5. The need to conduct the affairs of the governing board in an open and public manner, including complying with all applicable laws governing open meetings and public records.

The Waxhaw Board of Commissioners has adopted a Code of Ethics addressing the five items above. It is suggested that all board members follow the general principles of the town’s Code of Ethics where applicable. As there are specific issues relevant to the ABC Board, those members should also follow the required code of ethics implemented by the Waxhaw ABC Board.

CONFLICT OF INTEREST

Participation in business transactions involving public funds. No appointed official shall become an undertaker, or make any contract for his/her own benefit, under such authority, or be in any manner concerned or interested in making such contract, or in the profits thereof, either privately or openly, singly or jointly with another, unless the contract is authorized pursuant to G.S. 14-234, and the following conditions are met:

- 1) The appointed official has not been privileged to have any confidential information relating to the business or transaction.
- 2) The appointed official shall make a public disclosure of their financial interest, whether actual or potential in nature, and not participate in any deliberations or voting on such business or transaction.
- 3) The public body on which the appointed official serves is not the initiator, recipient, user of the supply or service, or public body involved with the purchase, implementation, construction or management of the public project or facility.

Voting and Recusal

Generally, the board and commission members shall vote on all matters before the board or commission unless excused from voting by a majority of the members due to a conflict of interest.

No board member shall take part in the consideration or determination of any matter or proposal in which he/she is personally or financially involved, or which creates any other form of conflict of interest. Such members of the board shall be excused from voting due to the conflict of interest by a majority of board members present. After being excused from voting, said board member may not participate in the hearing or presentation of any matter or proposal from which he/she has been excused from voting as a board member.

Considerations when “Conflict” is not Clear

- Duty to Vote - In general, a board or commission member should vote unless clearly prohibited by conflict.
- Disclosure - Let other members decide if an issue rises to the level of conflict.
- Is a board or commission member able to make a fair and impartial decision?
- Contact the Town Attorney’s Office with questions.

Open Meetings Law is covered under N.C.G.S. 143-318. Please contact the Town Clerk at bblackwell@waxhaw.com for questions.

PUBLIC RECORDS

North Carolina’s public records law provides a broad right of access to records of public agencies. The main statutes that define the scope of the law are contained in Chapter 132 of the North Carolina General Statutes.

The following list provides a summary of some of the most important basic concepts for understanding the law.

- The law applies to records made or received in connection with the transaction of public business.
- The law applies to all types of state and local government agencies, and all types of records, including paper and electronic records, recordings, films, videos, and photographs.
- A record that falls within the scope of the statute is subject to public access unless an exception provides otherwise.

- Personal records (not related to the transaction of public business) are not public records, even if they are created using government resources.
- Records related to the transaction of public business are public, even if they are created using private resources.
- The right of access includes the right to inspect and obtain copies although a few specific provisions limit some element of access for various types of records.
- Anyone can request access; the right is not limited to citizens or constituents of the agency.
- State law limits a public agency's authority to charge for providing access to records, in most cases allowing a charge only for the actual cost of the paper or other medium, if any, on which copies are provided.
- Requirements for retention of public records are governed by the State Division of Archives. This is based on the content, not the form of the record. For example, the requirements for email records will vary depending on the content of the email.

ROLES

BOARD & COMMISSION MEMBERS

As a member of the board, you represent the Town of Waxhaw. Along with the opportunity to serve the town, comes the requirement for you to abide by all the applicable rules and laws that govern ethical behavior. Briefly, this means you need to be aware of and avoid conflicts of interest. You may not solicit or accept gifts and you may not use town facilities, personnel, equipment or supplies for private purposes.

CHAIRPERSON

The chairperson, or in her/his absence, the vice chairperson, performs the following duties:

- Presides at all meetings of the board and ensures that the work of the board is accomplished. To this end, the chairperson must exert sufficient control of the meeting to eliminate irrelevant, repetitious or otherwise unproductive discussion. At the same time, the chairperson must ensure that all viewpoints are heard and are considered in a fair and impartial manner. The Chair cannot make rules related to the conduct of meetings or board procedure without approval of the full board.
- Approves the agenda discussion items prior to distribution.
- Prepares the annual report of the board each year.

- Signs correspondence and represents the board before the Town Board with the formal approval of the board by motion and vote.
- The Chair or a quorum of the board may call a special meeting. The Chair may also cancel a regular meeting.
- Performs other duties necessary or customary to the office.

BOARD SECRETARY

The Board may elect a Board Secretary to:

- Write and maintain action minutes from board meetings.
- Keep attendance records.
- Assist staff with meeting coordination.

STAFF LIAISONS

The Town Manager designates a town department to provide staff support for each board. The Town Manager appoints an executive level staff person to serve as the liaison to the board. The executive liaison ensures the board complies with deadlines and code provisions, monitors the conflict of interest declarations to ensure the rules are followed and helps the chair keep the board functioning within their mission statement. The department director may appoint an administrative staff person to help the board prepare agendas, post meeting notices, maintain minutes and keep attendance records for board members.

Staff liaisons and staff support are Town of Waxhaw employees with significant staff responsibilities that relate to the same work area as the board to which they have been assigned. They do not work “for” or “at the direction of” the group they support. The board does not supervise or manage staff liaisons and may not direct staff to perform work on behalf of the board. The board may make reasonable requests for information or resources they need by contacting the executive liaison.

Staff Liaison Responsibilities

- Development of meeting agenda and information packets with Chair.
- Act as a resource on town policies, procedures and information.
- Ensure that administrative requirements are met.
- Ensure that federal and North Carolina laws as well as town policies pertaining to the

advisory board are met.

- Help facilitate, but not to participate in discussion.
- Notify the Clerk's Office of special meetings to notice the public.
- Notify all members of upcoming meetings and new developments.
- May provide technical expertise to the group.

WHAT MAKES AN EFFECTIVE BOARD OR COMMISSION?

There are many things you can do to make sure that your board or commission is strong and effective and that it has successful meetings. A successful meeting involves effective communication between individuals or groups. Good meeting planning and good facilitation skills are needed. Here are a few pointers to conducting a successful meeting:

- ❖ Keep the meeting under control. The board chair and board members are responsible for making sure the meeting is conducted in an orderly manner. To do this, follow a set meeting procedure and explain the procedure to those present at the beginning of the meeting.
- ❖ Plan ahead. Hold a yearly retreat to define priorities, outline tasks and assign deadlines.
- ❖ Stay focused. Do not get bogged down in details or constant requests for more information. Bring issues to a consensus.
- ❖ Ensure the board's actions are aligned with goals and objectives and adopted plans and policies of the Town of Waxhaw.
- ❖ Strive for consensus when making policy recommendations.
- ❖ Do your homework. Read and review your agenda and spend as much time as necessary to become thoroughly familiar with each matter.
- ❖ Think about whether you have a conflict of interest with any item on the agenda. If so, recuse yourself. If you are unsure, consult with city staff or the city legal department.
- ❖ Follow the bylaws, policies and procedures for your board or commission. The rules provide that each person and board member attending a meeting should observe decorum.
- ❖ Be on time. Arrange your schedule to be at the meeting on time. This will ensure that a quorum is present, and the business of the meeting can proceed. As soon as a quorum

is present, the meeting should be called to order. A healthy respect for the time of other commissioners, staff and the public are of critical importance.

- ❖ In order to develop a useful liaison between boards, each board should determine which other bodies regularly deal with overlapping subject matter. Boards that do regularly overlap should request agenda, minutes and relevant reports from each other.
- ❖ Board members are encouraged to interact and engage with the public; however, if board members are contacted by the public outside a meeting, members should encourage citizens to send their comments to the designee for distribution to all board members or come to a meeting and speak at public comment. This will allow the full board to hear and consider all pertinent information and points of view.
- ❖ Work cooperatively with other members. Board members should exercise self-discipline and strive always to be objective, fair and courteous with each other as well as with staff and the public.

There are many ways you can have a successful board or commission. These are just a few. Think about your actions, how you present yourself and how you represent the town. These things make an impression on your board or commission and its effectiveness.

WORK PLANS

Boards will establish a work plan in conjunction with the BOC's established goals. Goals will be measurable and provide details on how they will be met. The boards will measure and report their performance to the BOC annually.

If a board requires BOC input or direction outside of the established schedule, the Clerk's Office may be contacted for scheduling at the next BOC meeting.

APPENDICES

A. MOTIONS & VOTING

Action by a Board or Commission

The Board or Commission shall act by motion. Any member may make a motion including the Chair.

Second Not Required

A motion shall not require a second.

One (1) Motion at a Time

A member may make only one (1) motion at a time. If a second or alternative motion is offered, the Board or Commission must consider and resolve the original motion first.

Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before the presiding officer puts the motion to a vote.

Debate

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the following principles:

- a) The maker of the motion is entitled to speak first;
- b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- c) To the extent possible, the debate shall alternate between proponents and opponents of the measure; and
- d) No member may speak more than twice on the same substantive motion.

Adoption by Majority Vote

With a quorum being present, a motion shall be adopted by a simple majority of the votes cast unless otherwise required by the Rules of Procedure or the laws of North Carolina. A majority is more than half.

Changing a Vote

A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change his or her vote without the unanimous consent of the remaining members present. A member's request to unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

Duty to Vote

Every member must vote unless excused from voting, as provided by law. A member shall be excused from voting on a matter involving the member's own financial interest or official conduct, or in a quasi-judicial matter, if voting would violate an affected person's constitutional rights to be an impartial decision maker. A member who wishes to be excused from voting shall inform the presiding officer, who shall take a vote of the remaining members.

A failure to vote by a member who is physically present in the Board or Commission chamber, or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote. A member's unexcused failure to vote shall not be

recorded as an affirmative vote if the motion concerns a proposal to amend, supplement, or repeal a zoning ordinance. Instead, the member's unexcused failure to vote shall be recorded as an abstention.

Voting by Written Ballot

The Board or Commission may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the Board or Commission shall show the vote of each member voting. The ballots shall be available for public inspection in the staff liaison's office immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Substantive Motions

A substantive motion is out of order while another motion is pending. This rule sets forth the basic principle of parliamentary procedure that distinct issues will be considered and dealt with one (1) at a time, and a new proposal may not be put forth until action on the preceding one has been concluded. The term *substantive motion* is used to identify the distinction between this type of motion and the various procedural motions listed below. Basically, a substantive motion is any motion other than the procedural motions.

Procedural Motions

(a) Certain Motions Allowed. The Board or Commission may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended, but it requires a quorum to be present and a majority vote for adoption. Procedural motions are frequently used to "act upon" a substantive motion by amending or delaying consideration of it. These types of motions are in order while substantive motions are pending, except as otherwise noted. In addition, as in *Robert's Rules of Order Newly Revised*, several procedural motions can be entertained in succession without necessarily disposing of the previous procedural motion. The order of priority establishes which procedural motion yields to which. That is, which procedural motion may be made and considered while another one is pending.

(b) Order of Priority of Motions. The following procedural motions are in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending.

Motion 1. To Appeal a Ruling of the Presiding Officer. Any member may appeal to the Board or Commission regarding the presiding officer's ruling on whether a motion is in order, on whether a speaker has violated reasonable standards of courtesy, or on the presiding officer's response to a question on parliamentary procedure. Such an appeal is in order immediately after the disputed ruling or parliamentary response, and at no other time. The member making the motion need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

Motion 2. To Adjourn. This motion may be used to close the meeting only upon the conclusion

of the Board's consideration of pending matters, thus it cannot interrupt any pending deliberation. Motion 2 allows both debate and amendment but specifies that the motion is in order only when consideration of a pending matter has concluded.

Motion 3. To Recess. This motion may be used to recess a meeting and must state the date, time and place at which the meeting will resume.

Motion 4. To Take a Brief Recess. This motion allows the Board or Commission to pause the meeting for a few minutes.

Motion 5. Call to Follow the Agenda. The motion must be made at the time an item of business that deviates from the agenda is proposed; otherwise, the motion is out of order as to that item. If the Board or Commission as a whole does not object to the deviation from the agenda, it may simply vote down the motion.

Motion 6. To Suspend the Rules. To be adopted, a motion to suspend the rules must receive affirmative votes equal to two-thirds (2/3) of the Board or Commission actual membership, excluding the Mayor and any vacant seats. The Board may not suspend provisions in these rules that are required under state law.

Motion 7. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately.

Motion 8. To Defer Consideration. The Board may defer consideration of a substantive motion and any proposed amendments to an unspecified time. The consideration of a deferred motion expires one hundred (100) calendar days thereafter, unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending. A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion (Motion 13). A deferred motion will die if it is not taken up by the Board within the specified period of time.

This motion should be distinguished from the motion to postpone consideration to a certain time or day (Motion 10). A matter that has been postponed to a certain time or day is brought up again automatically when that time arrives. No motion to revive is needed.

Motion 9. Motion to Call for the Vote. If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. The motion is not in order until every member has an opportunity to speak once on the pending motion.

Motion 10. To Postpone to a Certain Time or Day. This motion allows the Board or Commission to postpone consideration to a specified time or day and is appropriate when more information is needed, or the deliberations are likely to be lengthy. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must wait until

the specified time when it will automatically be considered again. It should be distinguished from the motion to defer consideration (Motion 8).

Motion 11. To Refer a Motion to a Committee. The Board or Commission may vote to refer a substantive motion to a committee for its study and recommendations. Forty-five (45) days after a substantive motion has been referred to a committee or staff (unless another specific time is set forth in the motion), the introducer of the substantive motion may compel consideration of the measure by the entire Board, whether or not the committee or staff has reported the matter to the Board.

Motion 12. To Amend. An amendment to a motion must be related to the subject matter of the motion. When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one (1) motion to amend and one (1) motion to amend the amendment may be pending at the same time.

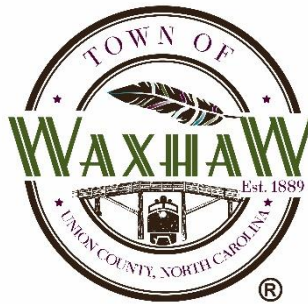
Motion 13. To Revive Consideration. The Board or Commission may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 8, provided it does so within (100) calendar days of its vote to defer consideration. This motion may be debated and amended. If the motion to revive consideration is not successful within the specified number of days of the date on which consideration was deferred, the substantive motion expires. Its subject matter may be brought forward again by a new motion.

Motion 14. To Reconsider. The Board may vote to reconsider its action on a matter, provided the motion to reconsider is made (i) at the same meeting during which the action to be reconsidered was taken and (ii) by a member who voted with the prevailing side. “The same meeting” includes any continuation of a meeting through a motion to recess to a certain time and place. The motion is not in order if it interrupts deliberation on a pending matter.

Motion 15. To Rescind. The Board or Commission may vote to rescind an action taken at a prior meeting, provided the rescission is not forbidden by law. The motion to rescind is in order only for those measures adopted by the Board that can legally be repealed or rescinded. It is not intended to suggest that the Board may unilaterally rescind a binding contract or may repeal an action where a person’s rights have already vested.

Motion 16. To Prevent Reintroduction for Six (6) Months. This motion may be used to prevent the reintroduction of a failed substantive motion for a time but is in order only when made immediately following the substantive motion’s defeat. The motion requires for the adoption of a vote equal to two-thirds (2/3) of the actual membership of the Board or Commission, excluding the Mayor and vacant seats. If adopted, the restriction imposed by the motion remains in effect for six (6) months or until the next organizational meeting of the Board, whichever occurs first.

B. ORGANIZATION CHART



Acknowledgement of Receipt and Agreement to Abide by the Town of Waxhaw's Board of Commissioners New Member Guide

The statements contained in the Board of Commissioners or Committee New Member Guide are intended to provide guidelines about the current guidelines, policies and practices as approved by the Town Board.

The Town of Waxhaw retains the right at any time, in its own discretion, to delete, add to, alter and amend any and all information contained herein.

My signature below certifies that I have attended the provided orientation training as a Board or Committee Member, that I have received the reference manual provided with the training and agree to abide by the guidelines, policies, and practices as a Board or Committee member/representative of the Town of Waxhaw.

Failure to abide by the standards set forth may result in removal from the Board or Committee.

NAME: _____

SIGNATURE: _____

DATE: _____

BOARD NAME: _____