

# **REQUEST FOR BOARD ACTION**

## **HENDERSON COUNTY**

### **BOARD OF COMMISSIONERS**

**MEETING DATE:** August 2, 2010

**SUBJECT:** Animal Services Advisory Committee Bylaws Revisions

**ATTACHMENT(S):** Draft Bylaws

#### **SUMMARY OF REQUEST:**

The Animal Services Advisory Committee reviewed its bylaws and recommends several changes outlined in the attached draft bylaws. The most significant change creates a 3 member subcommittee to hear appeals so that the whole board does not have to be present, thereby allowing appeals to be heard more promptly.

These changes were recommended by the Animal Services Advisory Committee at its June 2010 meeting.

County staff will present further information on this matter and will be available to address any questions or concerns this Board may have.

#### **BOARD ACTION REQUESTED:**

If the Board is so inclined, the following motion is suggested:

*I move the approval of the changes to the Henderson County Animal Services Advisory Committee Bylaws.*

## ANIMAL SERVICES ADVISORY COMMITTEE

### CHARTER

The Animal Services Advisory Committee (ACS) shall assist the Board of Commissioners by providing input on the operations and policies of the Henderson County Animal Services Department regarding both the operation of the Animal Shelter and enforcement of the Animal Ordinance. This may include efforts such as collaborating staff on operating procedures or providing expertise and recommendations regarding the Animal Ordinance. This Committee shall also hear dangerous dog appeals in a quasi-judicial format.

### BYLAWS AND RULES OF PROCEDURE

- I. NAME: Animal Services Advisory Committee (ASAC).
- II. CHARTER. On the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_, the Henderson County Board of Commissioners approved the revised charter for the Animal Services Committee (hereinafter referred to as "ASC") and subsequently appointed members to the Committee. The terms of the charter shall govern the activities of the Committee, and to the extent that these bylaws conflict with the charter, the terms of the charter shall control.
- III. PURPOSE. The purpose of this Committee is to make recommendations to the Board of Commissioners and staff regarding the Animal Ordinance, policies and procedures at the Animal Services Center, and any other issues requested by the Board of Commissioners. This Committee shall also hear dangerous dog appeals.
- IV. MEMBERSHIP
  - A. Selection of Membership. The Committee shall consist of 9 members. All appointments will be made by the Henderson County Board of Commissioners. Members will serve an initial 3 year staggered terms. Seven members shall be from the general public with various affiliations and diverse backgrounds in addition to one veterinarian and one representative from the Sheriff's Department.
  - B. Duties of Members. Duties of Committee will be as assigned by the Henderson County Board of Commissioners.
  - C. Terms of Service. The term of service shall be 3 years. No member shall serve more than two consecutive full three-year terms.
  - D. Vacancies and Reasons for Dismissal. All members serve at the pleasure of the Board of Commissioners. Members may be dismissed for any reason without cause including but not limited to failure to attend meetings. Vacancies shall be filled at the earliest convenience of the Board of Commissioners. A vacancy of the Chair shall be filled by the Committee at a special election at the next regular meeting of the Committee and shall be approved by the Board of Commissioners. A vacancy in the Vice Chair shall be elected by a majority of the Committee at the next regularly scheduled meeting.
  - E. Compliance with Animal Ordinance. All members must comply with the Henderson County Animal Ordinance, and local, state and federal law as applies to animals. Failure to comply with this provision shall result in the immediate dismissal from the Committee.

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## V. MEETINGS

- A. Open-Meetings Law. It is the public policy of North Carolina and Henderson County that the hearings, deliberations, and actions of this Committee be conducted openly. Except as allowed by NCGS 143-318.11 each meeting of the Committee shall be open to the public and any person is entitled to attend such a meeting. The public's right to attend such meeting does not necessary entitle the public to participate in the meeting.
- B. Regularly Scheduled Meetings. The Committee shall hold meetings on a quarterly monthly basis on the second Thursday of the month at 5:30 pm in the Meeting Room of the Animal Services Center located at 828 Stoney Mountain Road, Hendersonville, North Carolina. A schedule of the regular schedule of meetings of the Committee shall be kept on file with the secretary of the Committee and the Clerk to the Henderson County Board of Commissioners. The Committee shall have the authority to change the schedule of regular meetings, and/or to change the date of a particular regularly scheduled meeting without the necessity of approval of the Board of Commissioners. If the Committee changes the schedule of regular meetings, the secretary shall forward a copy of the new schedule to the Clerk to the Board of Commissioners at least seven (7) days prior to the first meeting held pursuant to the new schedule. If a particular regularly scheduled meeting date is changed, the secretary shall comply with the notice provisions of paragraph C below, SPECIAL MEETINGS.
- C. Special Meetings. The chair of the Committee, the Appellate Board of Animal Services Committee or the majority of the members of the Committee may at any time call a special meeting of the Committee by signing a notice stating the time and place of the meeting and the subjects to be considered. Such notice must be:
- Posted on the bulletin board in the Animal Services Center lobby.
  - Posted on the bulletin board in the front lobby of the Henderson County Courthouse,
  - Posted on the bulletin board for the County Administration Building,
  - Mailed or delivered to each newspaper, wire service, radio station and television station which has filed a written request for notice with the secretary,
  - Mailed or delivered to any entity or person that has requested to be on the Committee's sunshine list as prescribed by law; and
  - Delivered to all members of the Committee at least 48 hours before the meeting.
  - Only the business that is specified in the notice of the meeting may be transacted during a special meeting.
- D. Public Input. Public input at all Committee meetings that are not quasi-judicial in nature shall have a 3 minute limit per speaker.
- E. Attendance. All members of the Committee are expected to attend the regular and/or special meetings of the Committee. Any member not able to attend must notify the secretary in advance of the meeting. Any member having three or more unexcused absences missing 25% of meetings in a twelve month period calendar year will be asked to resign or reported to the Board of Commissioners to be replaced.
- F. Voting.
- DUTY TO VOTE. It is the duty of each member, including the chair, to vote unless otherwise excused. The Committee may excuse members from voting on any matter involving their own financial interest or official conduct or when a member has indicated an inability to be impartial in any quasi-judicial matter before the Committee.

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- b. ABSTENTIONS. Should a member fail to vote on any matter before the Committee, without having been excused from such vote, such abstention will count as an affirmative vote.

#### VI. QUASI-JUDICIAL HEARINGS

- A. Appeals. Appeals heard under the Henderson County Animal Ordinance shall be quasi-judicial in nature and shall be heard by the Animal Services Appellate Board.
1. The Appellate Board shall consist of three (3) members of Animal Services Committee. Remaining members of the Committee shall serve as alternates. One of the members of the Appellate Board must be the Chairperson of the Committee who shall serve as Chair of the Appellate Board. The Vice Chair shall not be designated as a regular appellate board member but shall serve in the Chair's absence.
  2. The Appellate Board shall meet within 2 weeks of an appeal being filed in writing with Animal Services.
  3. Appellate Board meetings shall be special meetings.
- ~~A.~~ Dangerous Dog Appeals. Dangerous Dog appeals shall be quasi-judicial in nature and will be heard by the Appellate Board subgroup of the Animal Services Committee ~~as appellate body.~~
- ~~B.~~

- ~~C.B.~~ Procedure. Each quasi-judicial proceeding must be conducted in substantial conformity with the sections of Henderson County Board of Commissioners Rules of Procedure pertaining to the quasi-judicial proceedings and applicable law.

#### VII. OFFICERS

##### A. Required Officers

1. PRESIDING OFFICER. The presiding officer of each meeting of the Committee shall be the chair of the Committee. In situations where the chair is unavailable or unable to participate in the meeting or any particular matter before the Committee, the vice-chair shall preside. In the event that neither the chair nor the vice-chair is available, the members of the Committee, by affirmative vote of the majority, may appoint an acting chair who shall have all powers of the chair while acting as presiding officer.
2. SELECTION OF THE CHAIR AND VICE-CHAIR. The chair shall be selected by majority vote of the Committee unless the Board of Commissioners indicates to the Committee that the Board of Commissioners will appoint said chair, in which case the appointment shall be made by the Board of Commissioners. The vice-chair shall be elected by a majority vote of the Committee.
3. POWERS AND DUTIES OF THE CHAIR AND VICE-CHAIR. The chair shall preside at all meetings of the Committee but shall also have the right to engage in discussion and vote on any matter before the Committee unless otherwise excused. The chair shall have the power to call a special meeting, rule on procedural matters during a meeting, call a brief recess of a meeting at any time, and adjourn a meeting in an emergency. At any other time, adjournment shall be by motion, duly approved. The vice-chair shall have all powers and perform all the duties of the chair in his or her absence.
4. DUTIES OF THE SECRETARY. The staff person assigned to the Committee shall serve as the secretary of the Committee and shall perform the following:

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- A. The secretary shall ensure that all meetings of the Committee are properly noticed.
  - B. The secretary shall maintain the sunshine list which is 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.
  - C. The secretary shall take and record the actions of the Committee and draft minutes of the meetings accordingly. Minutes shall be sent to Committee members one week prior to their next regularly scheduled meeting. The secretary shall also forward a copy of the minutes as they are approved to the Clerk to the Board of Commissioners.
  - D. The secretary shall be responsible for maintaining an accurate list of members of the Committee, submitting to the Clerk to the Henderson County Board of Commissioners a quarterly attendance report for its members and notifying the Clerk to the Henderson County Board of Commissioners of any resignations of any of its members, or any other change in membership of the Committee.
- B. Schedule for Elections. Elections shall take place annually at the regularly scheduled meeting in January for Chair and Vice-Chair. Selection of regular members for the Animal Services Appeal Board shall also take place at this time.
  - C. Committees. Committees shall be formed based on the discretion of the Committee or at the direction of the Board of Commissioners.

VIII. RULES OF CONDUCT. This Committee shall follow Roberts Rules of Order.

IX. REPORTS.

- A. Annual Report. The Committee shall make a report to the Henderson County Board of Commissioners at least annual. This report must be submitted no later than July 1<sup>st</sup> of each year. The Committee shall also make reports to the Board of Commissioners as needed or as requested.
- B. Public Records Law. The Committee shall abide by North Carolina's Public Records Law N.C.G.S. Chapter 132.

X. ACTION BY THE COMMITTEE.

- A. Quorum. A majority of the members shall constitute a quorum. No action of the Committee may be taken at any meeting where less than a quorum is present. Once a quorum has been established, it will not be defeated if members leave.
- B. Motions. Action of the Committee may be taken upon a motion made by any member, including the chair, without the need for a second. A motion shall be adopted if approved by the affirmative vote of a majority of the members present and not excused after full discussion of the motion by the members.
- C. Minutes. Minutes shall be kept of all meetings of the Committee. The secretary of the Committee shall present such minutes to the Committee for approval. Minutes of the meetings of the Committee shall be public records. The secretary shall be responsible for sending a copy of all approved minutes to the Clerk to the Board of Commissioners.
- D. Staff Support. County Staff shall be assigned to the ASC, acting as the liason between the ASC, County Departments, and the Board of Commissioners and shall have the charge of correspondence, minutes, notifying members of meetings and other information.

XI. AMENDMENTS. The Committee may amend these bylaws by action of the Committee; provided however, that amendments shall not be effective until they are approved by the Henderson County Board of Commissioners.

Respectfully submitted by the Animal Services Advisory Committee on this the \_\_\_\_ of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Gaby Johnsen, Chair

Approved by the Henderson County Board of Commissioners on this then \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
William Moyer, Chairman