

Henderson County, North Carolina

Agricultural Advisory Board

Article I. Governing Authority

The Henderson County Agricultural Advisory Board (hereinafter "Advisory Board") shall be governed by the terms of Sections 106-735 through 106-744 of the General Statutes of North Carolina, and by the terms of the Henderson County, North Carolina, Voluntary Farmland Preservation Program Ordinance (now referred to as "Chapter 45 - Farmland Preservation" in the Henderson County Code) enacted by the Board of Commissioners of Henderson County (hereinafter "Board of Commissioners") on the 18th day of December, 1991, and any amendments thereto. All Advisory Board members shall thoroughly familiarize themselves with the provisions of the Statute and Code.

Article II. Membership

- A) **Composition of Board** – The Advisory Board shall consist of five members. Each member must be appointed by the Henderson County Board of Commissioners. Each member must be a resident of Henderson County.
- B) **Active Participation in Farming** – Three (3) of the five (5) members must be actively engaged in farming and may be appointed from a list submitted by the Henderson County Soil and Water Conservation District, Henderson County Cooperative Extension, the Farm Service Agency County Committee, or Agribusiness Henderson County.
- C) **Term of Service** – The term of service for members of the first Advisory Board formed pursuant to the Henderson County Voluntary Farmland Preservation Program Ordinance shall be as stated in such ordinance. For every subsequent Advisory Board member, the term of service shall be four years. Where a member is removed, resigns, or is otherwise unable to continue serving on the Advisory Board, any person appointed by the Board of Commissioners to replace the existing member shall serve the remainder of the existing member's term of service. Any member of the Advisory Board may be reappointed to subsequent terms of service.
- D) **Removal** – Any member may be removed by the Board of Commissioners with or without cause. The Advisory Board may request to the Board of Commissioners that a member be removed for inefficiency, neglect of duty, or malfeasance in office. The membership of any Advisory Board member who is absent from three (3) consecutive meetings shall be automatically terminated, unless such absence is excused by the entire Advisory Board for good and sufficient cause.

Article III. Officers

- A) **Election of Officers** – The Advisory Board shall organize and elect a Chairman and Vice-Chairman annually at the first meeting of the fiscal year. The meeting year shall be the County's fiscal year. These officers shall be eligible for re-election.
- B) **Chairman** – The Chairman shall preside at all meetings and public hearings of the Advisory Board, shall decide on all matters of order and procedure, and shall appoint any committees found necessary to investigate those matters before the Advisory Board or to perform any of its duties.
- C) **Vice-Chairman** – The Vice-Chairman shall assume the duties of the Chairman in his absence.
- D) **Administrative Assistance** – The Advisory Board shall contract with the Soil and Water Conservation District Office to serve the Advisory Board for record keeping, correspondence, application procedures and whatever other services the Board needs to complete its duties.

Article IV. Meetings

- A) Regular Meetings – Regular meetings of the Advisory Board shall be held monthly on the fourth Wednesday of the month at twelve o'clock (12:00 pm) noon in the offices of the Henderson County Soil and Water Conservation District. The regular meeting time or place may be changed in accordance with Paragraph H, below. The Chairman shall have the authority to change the meeting time or place for a particular meeting, where necessary. All meetings shall be publicized in accordance with the North Carolina Open Meetings Law.
- B) Special Meetings – Special meetings of the Advisory Board may be called at any time by the Chairman, provided that at least a forty-eight (48) hour notice is given to each member.
- C) Quorum – A quorum shall consist of three (3) members.
- D) Conduct of Meetings – All meetings shall be open to the public. The order of business at regular meetings shall be as follows: (a) Determination of a quorum; (b) Approval of the minutes; (c) Discussion/adjustment of agenda; (d) Public hearings; (e) Reports of committees; (f) Old business; (g) New business; (h) Adjournment.
- E) Length of Meetings – The meetings of the Advisory Board shall be limited to two-hour duration unless extended by a majority vote of the Board for a specified time period.
- F) Minutes of Meetings – Minutes shall be kept for each meeting. The minutes shall reflect the vote of each member upon each question or if absent or failing to vote, noting such fact.
- G) Vote – The vote of the majority of those members present shall be sufficient to decide matters before the Advisory Board, provided a quorum is present.
- H) Change of By-Laws – The regular meeting time or place may be changed by an affirmative vote of the majority of the Advisory Board members present, assuming a quorum is present. Any other changes or amendments to the Bylaws must be approved by the Henderson County Board of Commissioners.
- I) Cancellation of Meetings – Whenever there is no business for the Advisory Board, the Chairman may dispense with a regular meeting by giving notice to all members not less than forty-eight (48) hours prior to that time set for the meetings.

Article V. Duties of the Advisory Board

Duties of the Advisory Board shall be carried out in accordance with the policies and procedures as set forth in Chapter 45 – Farmland Preservation and the N.C. Gen. Stat. §106-735 through 106-744.

- A) Annual Report – The Advisory Board shall prepare an annual written report for the Board of Commissioners indicating the status, progress and activities of the County's farmland preservation program, including voluntary agricultural districting information regarding:
 - a. Numbers of landowners, acres and farms enrolled
 - b. Number of acres applied
 - c. Number of acres certified
 - d. Number of acres denied
 - e. Date each agricultural district was certified

The purpose of this annual report will be to assist the Board of Commissioners in the preparation of the annual report for the Commissioner of Agriculture Office as indicated in Article VII, Section 45-20 of Chapter 45 – Farmland Preservation.

- B) Other Duties – Pursuant to Article II, Section 45-6 of Chapter 45 – Farmland Preservation, the Advisory Board shall:
 - a. Review and approve applications for qualified farmland and voluntary agricultural districts and make recommendations concerning the establishment and modification of agricultural district, subject to the appeal of such decisions to the Board of Commissioners pursuant to N.C. Gen. Stat. §106-739(a)(1).

- b. Hold public hearings pursuant to Article VI of Chapter 45 – Farmland Preservation.
- c. Advise the Board of Commissioners on projects, programs or issues affecting the agricultural economy or activities within the County that will affect agricultural districts.
- d. Execute agreements with landowners necessary for enrollment of land in a voluntary agricultural district.
- e. Perform other related tasks or duties assigned by the Board of Commissioners.
- f. Each district shall be assigned to a member of the Board who shall monitor and represent that district in all business conducted by the Advisory Board. Individual members will represent those districts closest to them geographically. No member will represent more than thirty percent (30%) of the total number of districts in the County or thirty percent (30%) of the total land area.

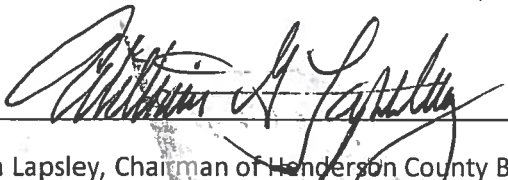
Article VI. Records

- A) The Advisory Board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Advisory Board.
- B) The Advisory Board shall keep and maintain a minute book in the office of the Advisory Board. Such minute book shall contain the minutes from every meeting or public hearing conducted by the Advisory Board.
- C) All records and minutes of the Advisory Board shall be public record.

The By-Laws, originally adopted on October 28, 1992, are updated by the Henderson County, North Carolina Agricultural Advisory Board this 15 day of December 2021.



Kenny Barnwell, Chairman of Henderson County Agricultural Advisory Board



William Lapsley, Chairman of Henderson County Board of Commissioners

