

**REQUEST FOR BOARD ACTION**

**HENDERSON COUNTY  
BOARD OF COMMISSIONERS**

**MEETING DATE:** January 18, 2023

**SUBJECT:** Recreation Advisory Board Bylaws Amendments

**PRESENTER:** Bruce Gilliam, Director of Parks and Recreation

**ATTACHMENTS:** Yes

**SUMMARY OF REQUEST:**

The Board of Commissioners is requested to approve revisions to the Recreation Advisory Board Bylaws, updating sections that are no longer accurate or contradict. The bylaws have not been updated since 2011 and have become outdated. Specific revisions are shown in the attachments provided.

**BOARD ACTION REQUESTED:**

The Board of Commissioners is requested to approve amendments to the Recreation Advisory Board Bylaws as proposed.

**Suggested Motion:**

I move the Board of Commissioners approve the changes to the Recreation Advisory Board Bylaws as proposed.

**BYLAWS FOR  
THE HENDERSON COUNTY PARKS & RECREATION ADVISORY BOARD**

**Article I: Name**

The name of this committee shall be called the Henderson County Parks & Recreation Advisory Board, hereinafter referred to as the "Recreation Board". The Recreation Board is formed by the Henderson County Board of Commissioners pursuant to the authority of North Carolina General Statutes 153A-76 and 160A Article 18.

**Article II: Function**

- A. The Recreation Board shall serve in an advisory capacity only. The Recreation Board shall provide recommendations to the Board of Commissioners, advocate for recreational services in Henderson County, and advise the Parks and Recreation Director regarding long-term planning and policies of the Parks and Recreation Department as appropriate. The Recreation Board shall also hear appeals of Parks matters as needed.
  
- B. The Recreation Board shall have no supervisory authority over the Parks and Recreation Director or department personnel. The Director shall report to the County Manager's Office and shall supervise the operation and administration of the Parks and Recreation Department.

**Article III: Membership**

A. The Recreation Board shall consist of eleven (11) voting members, and in addition may include three additional non-voting, ex-officio members, one of whom is also a Henderson County Commissioner. The Recreation Advisory Board may also have a non-voting member from Henderson County Public Schools to advise and inform the Board's recommendations from the education perspective. All members shall serve three (3) year terms. Members shall be appointed by the Henderson County Board of Commissioners and may be re-appointed upon expiration of terms. Terms shall expire the first day of March.

B. Compliance with Recreation Ordinance. All members must comply with the Henderson County Recreation Ordinance, and local, state, and federal law as the parks system and recreation. Failure to comply with this provision may result in the immediate dismissal from the Recreation Board.

**Article IV: Officers**

- A. The Recreation Board shall elect its own officers, by a majority vote of the voting members. Officers shall serve a term of one year, to correspond to the County's fiscal year of July 1 – June 30. Two officers shall be elected, a Chairman and Vice-Chairman.
  
- B. The election of officers, Chairman and Vice-Chairman, shall take place by the following procedure:
  - 1. The chairman shall appoint a Policy Committee, consisting of 4 members, which shall have the responsibility of nominating officers at the May meeting of the Recreation Board.
  
  - 2. Election of officers shall take place at the June meeting.
  
- C. The new officers shall take office on July 1 each year, which is the beginning of the county fiscal year.
  
- D. It shall be the duty of the Chairman to preside at all meetings.
  
- E. The Vice-Chairman shall perform duties of the Chairman in the absence of the Chairman.

**Article V: Organization**

- A. The Administrative Assistant of the Parks and Recreation Department shall serve as the Clerk of the Recreation Board. It shall be the duty of the Clerk to notify members of all meetings, to keep full and accurate minutes of all meetings, to capture the votes on the Board's recommendations, and to have a copy of the agenda and minutes of each meeting sent to each member, to the County Manager's Office and the Clerk of the Board for the Henderson County Commissioners. The meeting minutes shall be signed by the Clerk of the Recreation Board.
  
- B. The Director will provide program reports concerning the Recreation Departments programs, events, Park updates, and policies at the regular meetings of the Recreation Board each month as appropriate. Budget update

reports will be provided as requested by the members. These reports may be in a written or spoken form. A copy of these reports or a copy of the minutes describing the reports shall be available to each member, the Henderson County Manager's Office and the Clerk of the Board of Commissioners by the Clerk to the Recreation Board upon request. Annual reports concerning the Parks and Recreation Department, such as financial information, may be required by the County Manager's Office and copies shall be provided to the Recreation Board. Reports, minutes, and recommendations of the Recreation Advisory Board shall be available to the public under North Carolina Public Records Law.

#### **Article VI: Meetings**

- A. Regular meetings of the Recreation Board shall be held on the second Tuesday of each month and shall be held in the office of the Recreation Department or at some other designated place. A list of the monthly meeting dates each year shall be sent to the Clerk of the Henderson County Board of Commissioners at the beginning of each year, as per the North Carolina Open Meetings Law.
- B. Presiding Officer. The presiding officer of each meeting of the Recreation Board shall be the Chair of the Recreation Board. 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.
- C. The order of business at regular meetings shall be as follows:
  - 1. Call to Order by Chairman
  - 2. Approval of Minutes
  - 3. Public Input- public testimony not related to quasi-judicial hearings shall be limited to 3 minutes unless approved by the Chair
  - 4. Information Items
  - 5. Unfinished Business
  - 6. Update from the Recreation Director
- D. Special meetings may be called by the Chairman, or upon written request from a majority of the body. Written notice of such meetings shall be emailed to each Recreation Board member at least 48 hours in advance of the meeting. In addition, written notice of such special called meetings shall be posted on the Recreation Department website, sent to the Clerk to the Henderson County Board of Commissioners and mailed or delivered to the media, and sent to those who have requested such notice. The notice of the special meeting shall state the purpose of said special meeting. Only those items stated in the notice can be considered at the special meeting.
- E. The meetings of the Recreation Board and all standing and special committees shall be conducted in accordance with the North Carolina Open Meetings Law.

#### **Article VII: Committees**

- A. Standing committees shall be appointed by the Chairman at the regular July meeting of each year as needed. Vacancies on the committees may be filled by the Chairman at any regular meeting.
- B. Committee meetings may be called at the request of the Chairman.
- C. Special committees and park advisory subcommittees may be appointed by the Chairman for such purposes as may be deemed necessary.
- D. The Chairman and Director shall be ex-officio members of all committees and sub-committees and as such, notified of all committee meetings.

#### **Article VIII: Procedures**

- A. A majority of the voting members present at an official meeting shall constitute a quorum. Once quorum is established at a meeting it cannot be lost for the remainder of the meeting. Quasi-Judicial proceedings must have the necessary number of members present for the entire hearing. For a motion to pass, approval must be given by a simple majority of the members present.

- B. Roberts Rules of Order- (revised edition) shall constitute the parliamentary authority for the procedures at all meetings.
- C. QUASI-JUDICIAL PROCEEDINGS. Such proceedings shall be ruled by North Carolina General Statute, case law, and the Henderson County Code and the Rules established by the Board of Commissioners.
1. The Recreation Board has the authority to hear appeals of staff decisions based on Parks and Recreation Department policies and procedures. Matters concerning such issues may only be determined by the Recreation Board after conducting a quasi-judicial proceeding.
  2. Formation of Appellate Committee. The Recreation Advisory Board shall form a sub-group of 3 to 5 members to serve on the Appellate Committee. Members of the Appellate Committee shall be chosen at the same time as Officer elections.
  3. Purposes and Objectives. The purpose of these procedures is to provide an orderly method by which the Committee can hear and decide all quasi-judicial proceedings. The Board's objectives when conducting such proceedings are (1) to conduct all proceedings in a fair and efficient manner, (2) to base all decisions on competent and relevant evidence, (3) to ensure that the applicable policy and procedures are being enforced and administered in a fair and efficient manner, and, (4) to provide the citizens of Henderson County an administrative avenue to contest and appeal decisions made pursuant to the Parks and Recreation Department policies and procedures which adversely affected them.
  4. Notice. Notice shall be provided to the appellant and shall be advertised in the regular meeting notice or special meeting notice.
  5. Rules of Procedure. Each quasi-judicial proceeding must be conducted in substantial conformity with the Henderson County Board of Commissioners procedures for quasi-judicial proceeding.
  6. Decisions. Decisions shall be rendered by the Committee by a majority of the members present required to pass a motion.
  7. Written Findings. Appeal decisions shall be in writing.
  8. Minutes and Maintenance of Records. The minutes for quasi-judicial proceedings shall be taken in detail with detailed summaries of all evidence or testimony presented and statements made by members of the Board. The minutes may be verbatim transcripts of the hearing.

#### **Article IX: Voting**

- A. Tie Vote- Tie votes at meetings shall be broken by the vote of the Chairman or acting Chairman.
- 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.
- C. 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.

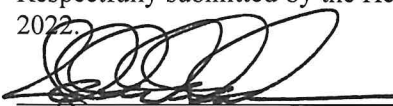
**Article X: Attendance.** All members of the Committee are expected to attend the regular and/or special meetings of the Committee. Any member not able to attend must notify the secretary in advance of the meeting. Any member having missed 25% of meetings in a calendar year running July to June will be reviewed by the Committee and may be reported to the Board of Commissioners to be replaced.

#### **Article XI: Amendments**

All amendments to these bylaws shall be proposed in writing and discussed at the next meeting of the Recreation Board, then submitted to the Henderson County Board of Commissioners for final approval.

Originally adopted by the Henderson County Board of Commissioners on July 18, 1984. Amended on May 1989, June 1992, March 1997, March 2011, and December 2022.

Respectfully submitted by the Henderson County Parks & Recreation Advisory Board on this the 22<sup>nd</sup> of Dec,  
2022.

  
\_\_\_\_\_  
Jeff Donaldson, Chair

Approved by the Henderson County Board of Commissioners on this then \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Rebecca McCall, Chairman

Attest: \_\_\_\_\_  
Denisa A. Lauffer  
Clerk to the Board

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- B. The Recreation Board shall have no supervisory authority over the Parks and Recreation Director or department personnel. The Director shall report to the County Manager's Office and shall supervise the operation and administration of the Parks and Recreation Department.

**Article III: Membership**

- A. The Recreation Board shall consist of ~~nine (9)~~eleven (11) voting members, and in addition may include ~~a tenth~~three additional non-voting, ex-officio members, one of whom is also a Henderson County Commissioner. The Recreation Advisory Board may also have a non-voting member from the Henderson County Public Schools to advise and inform the Board's recommendations from the education perspective. All members shall serve three (3) year terms. Members shall be appointed by the Henderson County Board of Commissioners and may be re-appointed upon expiration of terms. Terms shall expire the first day of March. ~~The Recreation Advisory Board may also have a non-voting member from the Henderson County schools to advise and inform the Board's recommendations from the education perspective.~~
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- B. The election of officers, Chairman and Vice-Chairman, shall take place by the following procedure:
  - 1. The chairman shall appoint a Policy Committee, consisting of 4 members, which shall have the responsibility of nominating officers at the May meeting of the Recreation Board.
  - 2. Election of officers shall take place at the June meeting.
- C. The new officers shall take office on July 1 each year, which is the beginning of the county fiscal year.
- D. It shall be the duty of the Chairman to preside at all meetings.
- E. The Vice-Chairman shall perform duties of the Chairman in the absence of the Chairman.

~~F. In the absence of the Chairman and Vice-Chairman from a meeting, the longest tenured advisory board member shall serve as Chairman of that meeting.~~

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Jeff Donaldson, Chair

Approved by the Henderson County Board of Commissioners on this then \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Rebecca McCall, Chairman

Attest: \_\_\_\_\_  
Denisa A. Lauffer  
Clerk to the Board