

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 16, 2023

SUBJECT: EAC Bylaw updates

PRESENTER: Amy Schmitte

ATTACHMENTS: Yes,
1. Current EAC bylaws
2. EAC bylaws with proposed revisions

SUMMARY OF REQUEST:

The attachment provides the current EAC bylaws last updated in 2011 and a copy with the proposed revisions. Proposed revisions include:

- Updating the regularly scheduled meetings (Section V.B.) from “the Committee shall hold meetings on a quarterly basis on the first Thursday of the corresponding months at 3:00pm in the Henderson County Land Development Building” to “The Committee shall hold meetings on a bi-monthly basis on the first Thursday of the corresponding months at 3:00pm in the 100 North King Street office building”.
- Updating the schedule for elections (Section VI.B.) from “annually at the first regularly scheduled meeting of the calendar year as needed” to “annually at the first regularly scheduled meeting of the fiscal year as needed”.

BOARD ACTION REQUESTED:

Approve the revisions to the EAC bylaws.

Suggested Motion:

I move the Board approve the EAC bylaw revisions.

ENVIRONMENTAL ADVISORY COMMITTEE

CHARTER

The Environmental Advisory Committee shall assist and advise the Board of Commissioners on matters regarding environmental quality and protection. This may include comprehensive analysis, recommendations, and expertise on policies, compliance standards and programs and such other matters as the Board of Commissioners deems appropriate.

BYLAWS AND RULES OF PROCEDURE

- I. NAME: Environmental Advisory Committee (EAC).
- II. CHARTER. On the 20th day of July, 2011, the Henderson County Board of Commissioners approved the revised charter for the Environmental Advisory Committee (hereinafter referred to as "EAC") 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 local and regional environmental topics and any other issues requested by the Board of Commissioners.
- 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 2 year term. These members shall reflect the diverse backgrounds and perspectives of the citizens of Henderson County and shall have interest and knowledge of environmental issues. Members may represent, but are not limited to, areas such as transportation, agriculture, industry, commercial, real estate/developer, engineering and the general public.
 - B. Duties of Members. Duties of Committee will be as assigned by the Henderson County Board of Commissioners. All members shall serve the Committee on a solely voluntary basis and shall receive no compensation for their service.
 - C. Terms of Service. The term of service shall be 2 years. Members may not serve for more than 2 consecutive terms.
 - D. Ex-Officio Members. A Commissioner may be appointed and serve as an Ex-Officio Member of the EAC.
 - E. 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 on the Committee shall be filled by the Board of Commissioners at their earliest convenience. A vacancy of the Chair shall be filled 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.
- 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 basis on the first Thursday of the corresponding months at 3:00pm in the Henderson County Land Development Building. A schedule of meetings 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 the Special Meetings section below.

- C. **Special Meetings.** The Chair of the 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:
 - i. Be posted and advertised according to the rules for special meetings as utilized by the Clerk to the Board of Commissioners.
 - ii. Delivered to all members of the Committee at least 48 hours before the meeting.
 - iii. 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 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 missing more than 25% of meetings in a calendar year will be subject to an appointment review by the Board of Commissioners.
- F. **Voting.**
 - a. **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.
 - 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. **TIE VOTE.** Tie votes at meetings shall be broken by the vote of the Chairman or acting Chairman.

VI. 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 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:
 - 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 first regularly scheduled meeting of the calendar year as needed.

C. Sub-Committees. Sub-committees shall be formed based on the discretion of the Committee or at the direction of the Board of Commissioners.

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

VIII. 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 1st 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.

IX. ACTION BY THE COMMITTEE.

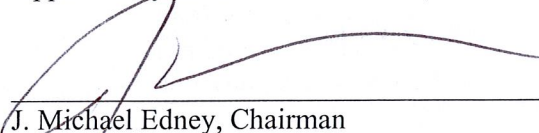
- A. Quorum. A majority of the members shall constitute a quorum. No action of the Committee may be taken at any meeting where less than a quorum is present. Once a quorum has been established, it will not be defeated if members leave.
 - B. Projects. The Committee may recommend projects to the Board of Commissioners for their consideration and shall take any direction requested by the Board.
 - C. Motions. Action of the Committee may be taken upon a motion made by any member, including the chair. 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.
 - D. 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.
 - E. Staff Support. County Staff shall be assigned to the EAC, acting as the liason between the EAC, County Departments, and the Board of Commissioners and shall have the charge of correspondence, minutes, notifying members of meetings and other information.
- X. 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 Environmental Advisory Committee on this the 20th day of July 2011.

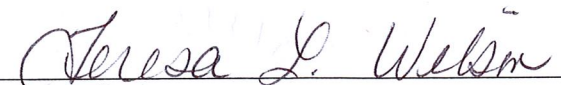


Dr. Robert Sweeney, Chair

Approved by the Henderson County Board of Commissioners on this the 20th day of July 2011.



J. Michael Edney, Chairman

Attest: 

Teresa Wilson
Clerk to the Board of Commissioners

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Respectfully submitted by the Environmental Advisory Committee on this the 16th day of August 2023.

Approved by the Henderson County Board of Commissioners on this the 16th day of August 2023.

Attest:

Denisa Lauffer
Clerk to the Board of Commissioners