

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: May 5, 2025

SUBJECT: Amendments to Agricultural Advisory Board Bylaws

PRESENTER: Autumn Radcliff, Planning Director
April Hoyt, Conservationist/Education Coordinator

ATTACHMENTS: 1. Draft Amendments to the Bylaws

SUMMARY OF REQUEST:

The Board of Commissioners approved amendments to Chapter 45 Farmland Preservation. These amendments included expanding the membership and roles of the Agricultural Advisory Board. The Board will now consist of nine (9) members and there are specific criteria that the members must meet to serve on the Board per the ordinance and State requirements. To reflect the Chapter 45 amendments, the bylaws for the Agricultural Advisory Board must be amended. This will also allow for the Board of Commissioners to reappoint and add new position appointments to the expanded Agricultural Advisory Board.

The Agricultural Advisory Board reviewed the draft amendments to the bylaws at its meeting on April 23rd, 2025, and voted unanimously to recommend the Board of Commissioners adopt the new proposed bylaws as discussed.

BOARD ACTION:

Board approval is required to adopt any changes to the bylaws.

Suggested Motion:

I move that the Board of Commissioners approve the proposed amendments to Agricultural Advisory Board Bylaws with any changes as discussed.

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~~ **nine (9)** members. Each member must be appointed by the Henderson County Board of Commissioners. Each member must be a resident of Henderson County **and shall be selected to provide the broadest possible representation of the geographical regions and to represent, to the extent possible, all segments of agricultural production in the county.**
- B) **Active Participation in Agriculture.** The membership shall consist of **five (5) members actively engaged in agriculture (as defined by NC §106-581.1), two (2) at-large members with some form of agricultural knowledge, and two (2) at-large members from one of the following related professions or fields: real estate, engineering, surveying, environmental consulting, or finance. Preference shall be given to applicants who have experience with conservation easements.**
- ~~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.~~
- Term of Service.** The Advisory Board shall consist of **nine (9) members, each with a numbered seat. No member shall serve more than two (2) consecutive three (3) year terms. The terms of less than two (2) years for seats 4-9, and any partial terms filling vacancies which may occur, do not count toward the two (2) consecutive three (3) year term limit.**
- **For seats 1-3, the members shall serve a term of 3 years, with the first such term beginning July 1, 2025.**

- For seats 4-6, the members shall serve one term of 1 year, beginning July 1, 2025, and thereafter terms of 3 years, with the first such term beginning July 1, 2026.
 - For seats 7-9, the members shall serve one term of 2 years, beginning July 1, 2025, and thereafter terms of 3 years, with the first such term beginning July 1, 2027.
- D) **Vacancy.** Any vacancy on the Advisory Board is to be filled by the Board of Commissioners for the remainder of the unexpired term. The Advisory Board may submit a recommendation for appointment.
- E) **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.~~
- F) **Ethics Training.** Each member of the Advisory Board shall receive ethics training annually through Henderson County, the School of Government, the Henderson County Soil and Water Conservation District, or the North Carolina Soil and Water Conservation Commission.

Article III. Officers

The officers of the Advisory Board shall consist of a Chair and a Vice-Chair.

- A) **Election of Officers.** The Advisory Board shall organize and elect a **Chair** ~~Chairman~~ and **Vice-Chair** ~~Vice-Chairman~~ annually at the first meeting of the fiscal calendar year. The meeting year shall be the **calendar** ~~County's fiscal~~ year. The election shall follow immediately thereafter as the first item of business following approval of the minutes. These officers shall be eligible for re-election.
- B) **Chair** ~~Chairman~~. The **Chair** ~~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-Chair** ~~Vice-Chairman~~. The **Vice-Chair** ~~Vice-Chairman~~ shall assume the duties of the **Chair** ~~Chairman~~ in ~~the Chair's~~ 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, under **Chapter 45**, and whatever other services the **Advisory** Board needs to complete its duties.
- E) **Vacancies.** Vacancy in an officers position of the Advisory Board shall be filled immediately by regular election procedure at the next regular meeting.
- F) **Absence of Chair or Vice Chair.** In the event that neither the Chair nor Vice-Chair are present, the Advisory Board may appoint by majority vote a member from the Board to serve as acting Chair for that meeting.

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 **I**~~H~~, below. The **Chair** ~~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. **All meetings shall be open to the public.**

- B) Special Meetings. Special meetings of the Advisory Board may be called at any time by the **Chair** ~~Chairman~~, provided that at least a forty-eight (48) hour notice is given to each member, **and all stipulations set forth in NCGS Open Meetings Law.**
- C) Quorum. A quorum shall consist of ~~three (3)~~ **five (5)** 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 a two-hour duration unless extended by a majority vote of the Board. for a specified time period.~~
- F) Minutes of Meetings. **Written** 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, **indicating** ~~noting~~ such fact.
- G) Vote. The vote of ~~the~~ **a** majority of those members present shall be sufficient to decide matters before the Advisory Board, provided a quorum is ~~present~~ **reached**.
- H) **Conflict of Interest. Each member shall state if there is a conflict of interest with any Agricultural Conservation Easement application the Advisory Board reviews. If an Advisory Board member applies and requests federal, state, or local funding, that member shall not participate in reviewing or approving any application for the same review cycle as the Advisory Board is considering their application.**
- I) Change of By-Laws. The regular meeting ~~time or~~ **date or** place may be changed by an affirmative vote of ~~the~~ **a** 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.
- J) Cancellation of Meetings. Whenever there is no business for the Advisory Board, the **Chair** ~~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.
- K) **Attendance. Faithful attendance at meetings is considered desirable for maintenance of membership of the Advisory Board. Failure of a member to attend three (3) consecutive regular meetings without satisfactory reasons will result in a recommendation by the Chair of the Advisory Board to the Henderson County Board of Commissioners for replacement of such member.**

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:
- Numbers of landowners, acres, and farms enrolled
 - Number of acres applied
 - Number of acres certified
 - Number of acres denied
 - Date each agricultural district was certified

The purpose of this annual report will be to assist the ~~County Board of Commissioners~~ in the preparation of the annual report for the Commissioner of Agriculture Office as indicated in Article VII, Section 45-20~~22~~ of Chapter 45 - Farmland Preservation.

- B) Other Duties. Pursuant to Article II, Section 45-6 of Chapter 45 - Farmland Preservation, the Advisory Board shall:
- Review and approve applications for ~~qualified~~ **qualifying** farmland and Voluntary Agricultural Districts, **Enhanced Voluntary Agricultural Districts, and Agricultural Conservation Easements**, and make recommendations concerning the establishment and modification of agricultural districts, subject to the appeal of such decisions to the Board of Commissioners pursuant to N.C. Gen. Stat. §106-739(a)(1).
 - Hold public hearings pursuant to Article ~~IV~~**V** of Chapter 45 - Farmland Preservation.
 - Advise the Board of Commissioners on projects, programs or issues affecting the agricultural economy or activities within the County that will affect agricultural districts.
 - Execute agreements with landowners necessary for enrollment of land in a voluntary agricultural district.
 - Perform other related tasks or duties assigned by the Board of Commissioners.
 - Each district shall be assigned to a member of the **Advisory** 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

- 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.
- The Advisory Board shall keep and maintain **minutes of its meetings** ~~a minute book~~ in the office of the Advisory Board. Such **minutes** ~~minute book~~ shall contain ~~the minutes from~~ every meeting or public hearing conducted by the Advisory Board.
- All records and minutes of the Advisory Board shall be public record.

The By-Laws, originally adopted on October 28, 1992, **amended on December 15, 2021** are updated by the Henderson County, North Carolina Agricultural Advisory Board this ____ day of _____, 2025.

Kenny Barnwell, Chair

APPROVED BY THE HENDERSON COUNTY BOARD OF COMMISSIONERS ON THE
____ day of _____, 2025.

William Lapsley, Commission Chair