

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: **October 2, 2017**

SUBJECT: **Henderson County Water and Sewer Advisory Committee**

PRESENTER: **Terry Wilson**

ATTACHMENTS: **Yes**
 1) Letter from City of Hendersonville
 2) Proposed Rules of Procedure

SUMMARY OF REQUEST:

Pursuant to ongoing discussions between the City of Hendersonville and Henderson County regarding representation in the provisions of utilities, the City Council has reinstated the Henderson County Water and Sewer Advisory Committee.

The City of Hendersonville has asked that Henderson County appoint one sitting Commissioner, and one utility customer that resides in an unincorporated area of Henderson County to this committee, and forward those names to the City Clerk by Monday, October 16, 2017.

BOARD ACTION REQUESTED:

The Board is requested to make appointments at their discretion.

Suggested Motion:

The Board is requested to make appointments at their discretion.

CITY COUNCIL:
BARBARA G. VOLK
Mayor
STEVE CARAKER
Mayor Pro Tem
RON STEPHENS
JERRY A. SMITH, JR.
JEFF MILLER

CITY OF HENDERSONVILLE

The City of Four Seasons

OFFICE OF THE MAYOR
BARBARA G. VOLK

OFFICERS:
JOHN F. CONNET
City Manager
SAMUEL H. FRITSCHNER
City Attorney
TAMMIE K. DRAKE
City Clerk

September 12, 2017

Chairman J. Michael Edney
Henderson County Board of Commissioners
1 Historic Courthouse Sq.
Hendersonville, NC 28792



CC: Bob
Steph
Amy
Russ

Dear Chairman Edney,

At their regular meeting on August 3, 2017, the Hendersonville City Council approved the reformation of the Henderson County Water and Sewer Advisory Committee (Committee). A copy of the proposed Rules of Procedure (Rules) for this committee are enclosed for your information. In accordance with the Rules, Henderson County is asked to appoint one sitting Commissioner and one utility customer that resides in an unincorporated area of Henderson County to this committee. Please email the name of your representatives to City Clerk Tammie Drake at tdrake@hvlnc.gov by Monday, October 16, 2017.

The first meeting of the Committee is scheduled for Monday, October 30, 2017 at 6:00PM in Assembly Room at the Hendersonville Operations Center, 305 Williams Street, Hendersonville, NC 28792. A light meal will be provided for the Committee. A full agenda package will be mailed to your representative(s) prior to the meeting.

Thank you for your attention in this matter. If you have any questions or need additional information, please feel free to contact City Manager John Connet at (828) 233-3201.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Volk".

Barbara G. Volk
Mayor

Cc: Hendersonville City Council
Representative Chuck McGrady
Senator Chuck Edwards

HENDERSON COUNTY WATER AND SEWER ADVISORY COUNCIL

RULES OF PROCEDURE

Adopted _____

Article I. Name

The name of this organization is the Henderson County Water and Sewer Advisory Council hereinafter referred to as the "Council".

Article II. Purpose and Powers

The purpose of the Council is to function as the advisory council to the City of Hendersonville and Henderson County Board of Commissioners on the provision of water and sewer service in Henderson County and to exercise all powers and duties specified by the Hendersonville City Council and Henderson County Board of Commissioners, as such may be amended from time to time, and to fulfill such other responsibilities as may otherwise be delegated to the Council by City Council and/or County Commission.

The Advisory Council shall have the following specific powers and duties:

1. Advise the Hendersonville City Council and Henderson County Board of Commissioners on matters involving the provision of water and sewer services to the citizens of the Hendersonville and Cane Creek Service Areas, as amended.
2. Review and make recommendation on water and sewer studies by the City and or the County
3. Support the creation and maintenance of long-range plans for the provision of water and sewer service in Henderson County.
4. Oversee the creation of an annual water and sewer reports
5. Review and make recommendations on the following:
 - a. Capital Improvement Programs
 - b. Water and sewer facility expansions
 - c. Water and sewer extension policies

Article III. General Rules

The Council shall be governed by, the Laws of the State of North Carolina and these rules of procedure. The Chair may from time to time refer to rules set forth in the current edition of *Suggested Rules of Procedure for Small Local Government Boards* to assist in the running of orderly meetings.

Article IV. Jurisdiction

The Council's jurisdiction shall apply equally within the Hendersonville water and sewer service areas as may be amended from time to time.

Article V. Organization

Section 1. Membership. The Council shall consist of eleven members. The Council members shall be appointed as follows:

1. One sitting member of the Hendersonville City Council
2. One sitting member of the Henderson County Board of Commissioners
3. One governing board member from Fletcher, Mills River, Laurel Park, Flat Rock and Saluda.
4. One industry representative appointed by Henderson County Partnership for Economic Development.
5. One business representative appointed by Henderson County Chamber of Commerce
6. One Henderson County utility customer appointed by Henderson County Board of Commissioners
7. One City of Hendersonville utility customer appointed by the Hendersonville City Council

All members shall be entitled to equal rights, privileges and duties with other members of the council regardless of where the matters at issue arise.

Section 2. Officers. The Chairman of the Advisory Council will be the City representative for the first two-year term. The County representative will serve as the Chairman for the second two-year term. The City and County will thereafter alternate the appointment of the Chairman between them, each appointment to be for a two year term. The vice-chair shall be the City or County representative when not serving as Chairman. The chair shall preside over all meetings of the Council. The vice-chair shall assist the chair and shall serve as acting chair in the absence of the chair. If the chair is vacated the vice-chair shall become the chair for the remainder of the vacated term or until a replacement representative is appointed

Section 3. Attendance at Meetings. Any member who misses more than three consecutive regular meetings shall by that fact cease to be a Council member. A vacancy created under this Section 3 shall be treated as any other vacancy for purposes of filling the vacated seat.

Section 4. Conflict of Interest. No Council member shall take part in the hearing, consideration, or deliberation of any issue before the Council in which the Council member, or any member of the Council member's family, either directly or indirectly, is a party or has any financial interest.

Section 5. Committees. The Council shall have such standing committees as it finds necessary and convenient. In addition the chair may create ad hoc committees.

The chair shall designate the membership of all committees. The chair shall be either an active or ex officio member of all committees.

Section 6. Duration of Existence. The Advisory Council will exist for so long as the Contract of Purchase and Interlocal Cooperation and Settlement Agreement dated December 20, 2000 is in effect. Notwithstanding the forgoing, the Advisory Council may be dissolved sooner upon the mutual agreement of all parties.

VI. Meetings

Section 1. Regular Meetings. The Council shall hold regular semi-annual meetings during the months of October and April or at such other time as it may find necessary to conduct its business.

Section 2. Special Meetings. The chair may call special meetings. A majority of the Council may by written demand of a majority of its members call a meeting. Written notice of a special meeting shall be provided to all members at least one week in advance of the meeting.

Section 3. Cancellation of Meetings. Whenever there is no business for the Council the chair may cancel a meeting, by giving notice to all members not less than twenty-four hours before the time set for the meeting. In the event of severe weather or other sufficient cause the chair may cancel a meeting by giving reasonable notice to all members before the time set for the meeting. In the case of a meeting called by a majority of the Council the chair may cancel the meeting only upon the concurrence of a majority of the Council.

Section 4. Quorum. A majority of members shall constitute a quorum for the conduct of business of the Council or of any committee.

Section 5. Conduct of Meetings. All meetings shall be noticed and open to the public as provided by law. Any person who may be substantially affected by final action in any matter that comes before the Council may appear in person or by agent or attorney to make presentations respecting any such matter. The Chair may impose reasonable restraints on presentations.

Section 6. Voting. Members must be present to vote on any matter. Except as may be otherwise required by these rules or other prevailing law, any motion to be carried must have the vote of the majority of members actually voting. The chair shall be eligible to vote as any other member.

Section 7. Electronic notice. Notice to a member conforms to a requirement of these rules to be in writing if sent by electronic mail to an electronic address provided by the member and not returned to the sender with an error message.

Article VII. Public Hearings

Section 1. Conduct of Hearings. The Council may from time to time conduct public hearings to fulfill its responsibilities and receive input from water and sewer customers on any matter associated with the operation of the water and sewer system. The chair shall preside at all hearings and unless overruled by a majority of the council shall have plenary power to limit presentations in the interest of brevity, clarity, fairness or other considerations. "Limit" in this sense shall be construed broadly, and shall include the power to provide for the representation of groups by spokespersons.

Article VIII. Amendments

These rules may be amended at any meeting after the meeting at which the amendment is first presented upon an affirmative vote of not fewer than six members of the Council.

Adopted as amended by at least six members of the Council this _____ 2017.

Council Chairman

Council Vice Chairman

Flat Rock Council Member

Fletcher Council Member

Laurel Park Council Member

Mills River Council Member

Saluda Council Member

Industry Council Member

Business Council Member

Customer Council Member

Customer Council Member