

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: November 1, 2021

SUBJECT: Approval of charter and bylaws for Henderson County Rail-Trail Advisory Committee

PRESENTER: Charles Russell Burrell

ATTACHMENT(S): Proposed charter and bylaws

SUMMARY OF REQUEST:

You voted last meeting to establish a rail-trail advisory committee. Attached is a proposed charter and bylaws for this committee.

County staff will present further information on this matter.

BOARD ACTION REQUESTED:

Approval of charter and bylaws

If the Board is so inclined, the following motion is suggested:

I move that the Board approve the proposed charter and bylaws

CHARTER, BYLAWS AND RULES OF PROCEDURE FOR THE HENDERSON COUNTY RAIL-TRAIL ADVISORY COMMITTEE

Charter and Membership

The Henderson County Board of Commissioners hereby create the Henderson County Rail-Trail Advisory Committee (the "RTAC"). The RTAC shall assist and advise the Board of Commissioners by providing input on the operations and policies of the Henderson County Rail-Trail.

The RTAC shall have the following members, all appointed by the Board of Commissioners:

- 1) Appointee nominated by the City of Hendersonville
- 2) Appointee nominated by the Town of Laurel Park
- 3) Appointee nominated by Conserving Carolina
- 4) Appointee nominated by Friends of the Ecusta Trail, Inc.
- 5) Appointee at large
- 6) Appointee at large
- 7) Appointee at large
- 8) Appointee at large
- 9) Appointee at large

Appointees for member slots 1), 4) and 7) shall serve an initial term which shall end on June 30, 2022. Appointees for member lots 2), 5) and 8) shall serve an initial term which shall end on June 30, 2023. Appointees for member slots 3), 6) and 9) shall serve an initial term which shall end on June 30, 2024. After the initial terms, appointees to all member slots shall serve three-year terms. All terms thereafter will begin on July 1 of the first year of the term, and end on June 30 of the last year of the term. Board members may serve no more than three terms, not including the initial terms set out above. No elected officials of the Board of Commissioners or either municipality may serve on the RTAC.

Bylaws and Rules

I. MEETINGS.

A. Open-Meetings Law. It is the public policy of North Carolina and Henderson County that the hearings, deliberations, and actions of the RTAC be conducted openly. Except as allowed by N.C. Gen. Stat. §143-318.11, each meeting of the RTAC shall be open to the public and any person is entitled to attend and observe such a meeting.

B. Regular Meetings. The RTAC shall hold regular meetings on the second Wednesday of each month at 10:00 a.m. in the Board of Commissioner's Meeting Room located at 100 North King Street, Hendersonville, North Carolina. A schedule of the regular meetings of the RTAC shall be kept on file with the secretary of the RTAC and the Clerk to the Henderson County Board of Commissioners. The RTAC 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 RTAC changes the schedule or location 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 section D below, Special Meetings.

C. Special Meetings. The chair of the RTAC or the majority of the members of the RTAC may at any time call a special meeting of the RTAC by signing a notice stating the time and place of the meeting and the subjects to be considered. Such notice must be:

1. Posted on the bulletin board in the front lobby of the Henderson County Courthouse,
2. Posted on the bulletin board for the Henderson County Historic Courthouse,
3. Mailed or delivered to each newspaper, wire service, radio station and television station which has filed a written request for notice with the secretary,
4. Mailed or delivered to any entity or person that has requested to be on the RTAC's "sunshine list" as prescribed by law; and
5. Delivered to all members of the RTAC at least 48 hours before the meeting.

Only the business that is specified in the notice of the meeting may be transacted during a special meeting.

II. OFFICERS AND MEMBERS

A. Required Officers

1. Chair. The presiding officer of each meeting of the RTAC shall be the chair of the RTAC. In situations where the chair is unavailable or unable to participate in the meeting or any particular matter before the RTAC, the vice-chair shall preside. In the event that neither the chair nor the vice-chair is available, the members of the RTAC, 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. The chair shall be selected by the Board of Commissioners. The vice-chair shall be elected by a majority vote of the RTAC.

3. Powers and Duties. The chair shall preside at all meetings of the RTAC but shall also have the right to engage in discussion and vote on any matter before the RTAC 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. Secretary. The Henderson County staff person assigned to the RTAC shall serve as the secretary of the RTAC and shall perform the following:

- i. The secretary shall insure that all meetings of the RTAC are properly noticed.

ii. 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 RTAC.

iii. The secretary shall take and record the actions of the RTAC and draft minutes of the meetings accordingly. Minutes, draft orders, agenda items or other RTAC documents shall be made available to RTAC members one week prior to their next regularly scheduled meeting whenever reasonably possible. The secretary shall also forward a copy of the minutes as they are approved to the Clerk to the Board of Commissioners.

iv. The secretary shall be responsible for maintaining an accurate list of members of the RTAC, submitting to the Clerk to the Henderson County Board of Commissioners a monthly 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 RTAC.

v. The secretary shall ensure all required documentation and evidence is kept as required by statute.

B. Schedule for Elections. Elections shall take place annually at the regularly scheduled meeting in July for Vice-Chair.

C. Attendance. All regular members of the RTAC are expected to attend the regular and/or special meetings of the RTAC. Any member not able to attend must notify the zoning administrator or secretary in advance of the meeting so that alternate members may be contacted as appropriate. Any regular member who has three unexcused absences within a 12 month period or three unexcused absences to scheduled meetings by an alternate member within a 12 month period shall be reported to the Henderson County Board of Commissioners for possible replacement.

III. RULES OF CONDUCT. This RTAC shall follow these rules of procedure for the conduct of its meetings

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A. The Chairperson will preside over the meetings and will be responsible for their conduct.

B. The Chair can make motions and vote on all matters.

C. The Chair can speak on any matter before the RTAC.

D. No motion needs to be seconded.

E. Informal discussion of any subject, without a motion being made, is allowed.

F. After a general discussion has been held without a motion, action can be agreed upon by unanimous consent without taking a vote at all.

G. On important and or complex issues, a clearly stated motion should be made to assure that everyone understands what is being voted upon.

H. If desired, at the discretion of the Chair, the RTAC can revert to the requirements of the Henderson County Board of Commissioners' Rules of Procedure at any meeting by a vote of a simple majority of those in attendance.

IV. REPORTS.

A. Annual Report. The RTAC shall make a report to the Henderson County Board of Commissioners at least annually. This report must be submitted no later than July 1st of each year. The RTAC shall also make reports to the Board of Commissioners as needed or as requested.

B. Public Records Law. The RTAC shall abide by North Carolina's Public Records Law, found in Chapter 132 of the General Statutes.

V. DUTY TO VOTE.

It is the duty of each member, including the chairman, to vote unless otherwise excused. The RTAC may excuse members from voting on any matter involving their own financial interest or official conduct, when a member has indicated an inability to be impartial in any quasi-judicial matter before the RTAC, or when a member has not attended the quasi-judicial hearing(s) at which an appeal or application was presented. When excused from voting on a particular matter such member shall not participate in the discussion of the RTAC on such matter. Proxy voting is not permitted on any matter before the RTAC. Votes to abstain shall be counted as votes in the affirmative.

VI. ACTION BY THE RTAC.

A. Quorum. A majority of the RTAC members then serving shall constitute a quorum. No action of the RTAC 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. Motions. Action of the RTAC 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.

C. Minutes. Minutes shall be kept of all meetings of the RTAC. The secretary of the RTAC shall present such minutes to the RTAC for approval. Minutes of the meetings of the RTAC 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.

D. Staff Support. County Staff shall be assigned to the RTAC, acting as the liaison between the RTAC, County Departments, and the Board of Commissioners and shall have the charge of correspondence, minutes, notifying members of meetings and other information.

VII. AMENDMENTS.

The Board of Commissioners may amend these bylaws at any time. The RTAC, by a four-fifths vote of the members then serving of the RTAC at a regular meeting, may suggest amendments to these bylaws to the Board of Commissioners; provided however, that amendments shall not be voted on until such proposed amendments have been submitted in writing to the members of the RTAC at a regular meeting preceding the vote. Amendments to the bylaws shall not be effective until they are approved by the Henderson County Board of Commissioners.

Adopted this the ____ day of November, 2021.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____
WILLIAM LAPSLEY, Chairman