

**ORDINANCE TO AMEND THE CODE OF ORDINANCES**  
(Enacting the Code of Ordinances proposal)

**AN ORDINANCE AMENDING THE ATTENDANCE AND LENGTH OF TERM CLAUSES FOR ADVISORY BOARDS, THE MEMBERSHIP ON THE PARKS, GREENWAYS, AND RECREATION COMMISSION AND CONCLUDING THE CEMETERIES ADVISORY BOARD EFFECTIVE JUNE 30, 2019 (2018-12-05/O-2)**

WHEREAS, the Council Committee on Boards and Commissions met on September 20, 2018 to consider information regarding advisory board alignment, length of term, board member attendance, and the Historic District resident seat on the Community Design Commission; and

WHEREAS, the Council Committee recommends amending the length of term clause to remove the succession of members for positions where a replacement has not been made; and

WHEREAS, the Council Committee recommends amending the attendance clause to recognize that any member of the board, commission or committee who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his or her status as a member of the board, commission or committee, and shall be replaced by the Council or Orange County Board of Commissioners, as appropriate, provided that special extenuating circumstances may be a basis for automatic removal to be reconsidered by the Council on a case by case basis; and

WHEREAS, the Council Committee recommends the creation of a cemeteries champion seat on the Parks, Greenways, and Recreation Commission to focus on cemetery beautification, and scatter garden interests by utilizing one of the vacant seats. In addition, the Committee recommends that the Council consider concluding the Cemeteries Advisory Board effective June 30, 2019, so that they may finish any existing projects; and

WHEREAS, the Council has an interest to simplify the process to amend the rules as it pertains to the advisory board membership, it requests, where possible that the staff consolidate this information in the advisory board membership policy and remove it from the Town Code of Ordinances. This is similarly reflected in the related sections for the Planning Commission and Community Design Commission; and

WHEREAS, on October 17, 2018, the Council authorized the Town Manager to act on the Council Committee on Boards and Commissions recommendations, by preparing an item to amend the advisory board membership policy and relevant sections of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council amend the Town Code of Ordinances as follows:

**Section 1. Chapter 12, Article II, Section 12-21 Attendance of commissioners at meetings, for the Parks, Greenways, and Recreation Commission is hereby revised to read as follows:**

"Sec. 12-21. - Attendance of commissioners at meetings.

~~A commissioner who, without excuse, misses more than three (3) consecutive regular meetings or a total of four (4) such meetings during the year loses his status as a member of the commission. In such cases, the chair will immediately request the council to fill the~~

~~vacancy. Absences due to sickness, death or other such obligatory emergencies shall be regarded as excused absences and shall not affect the commissioner's status on the commission. However, in the event of long illness, or other such causes for prolonged absence, the commissioner may be replaced. Attendance at meetings shall be in accordance with the council's advisory board membership policy."~~

**Section 2. Chapter 12, Article II, Section 12-17 Membership, for the Parks, Greenways and Recreation Commission is hereby revised to read as follows:**

"Sec. 12-17. - Membership.

~~From July 1, 2014, until June 30, 2015, the commission shall consist of the members of the greenways commission and [the] parks and recreation commission who were serving on April 17, 2014 unless that member has communicated in writing to the Town that they do not wish to serve on the parks, greenways and recreation commission. The commission shall consist of nine (9) commissioners, all of whom shall be appointed at large. Eight (8) members shall be residents of the town appointed by the town council. One (1) of the town appointed seats shall be designated as a cemeteries champion seat to focus on cemetery interests. One (1) member shall be a resident of Orange County appointed by the Orange County Board of Commissioners.~~

The council shall request that the town's youth teen council appoint a representative to attend commission meetings and serve as a liaison."

**Section 3. Chapter 23, Article I, Section 23-16 Meeting Attendance, for the Stormwater Management Utility Advisory Board is hereby revised to read as follows:**

"Sec. 23-16. - Meeting attendance.

~~Any member of the board who misses more than three (3) consecutive meetings shall lose his or her status as a member of the board, and shall be replaced or reappointed by the council. Absence due to sickness, death, or other emergencies of like nature shall be recognized as excused absences, and shall not affect the member's status on the board, except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced. Attendance at meetings shall be in accordance with the council's advisory board membership policy."~~

**Section 4. Chapter 2, Article IX, Section 2-141 Membership; terms, for the Chapel Hill Public Library Advisory Board is hereby revised to read as follows:**

"Sec. 2-141. - Membership; terms.

The Chapel Hill Public Library Advisory Board shall consist of nine (9) appointed members as hereinafter provided. Their terms of office shall be four (4) years ~~or until their successors are appointed and qualified.~~

~~The terms of all members shall expire on June 30. Members of the board shall be appointed in accordance with the council's advisory board membership policy."~~

**Section 5. Article XIII, Chapter 2, Section 2-177 Membership, terms, for the Cultural Arts Commission is hereby revised to read as follows:**

"Sec. 2-177. - Membership, terms.

The Chapel Hill Cultural Arts Commission shall consist of eleven (11) members, appointed as hereafter provided, ten (10) who shall be residents of the town, and one (1) who shall be a Carrboro resident. ~~The terms of office shall be for three (3) years or until their successors are appointed and qualified. Except as otherwise provided by this article,~~

~~appointments, reappointments and vacancies shall be filled as prescribed in the town council's Procedures Manual, Section 11.D-2. Members of the board shall be appointed in accordance with the council's advisory board membership policy."~~

**Section 6. Chapter 2, Article VII, Section 2-121 Membership; terms, for the Human Services Advisory Board is hereby revised to read as follows:**

"Sec. 2-121. - Membership; terms.

~~The human services advisory board shall consist of seven (7) members appointed as hereinafter provided. Members of the board shall be appointed in accordance with the council's advisory board membership policy. The terms of office shall be three (3) years, or until their successors are appointed and qualified, except that the initial terms of members first appointed shall be as follows: Two (2) members shall be appointed for a period of one (1) year, two (2) members shall be appointed for a period of two (2) years, and three (3) members shall be appointed for a period of three (3) years. Members may be reappointed to succeed themselves. The terms of all members shall expire on the 30<sup>th</sup> day of June following the end of the final year of their terms.~~

The advisory board shall be selected to be representative of the entire town community, its needs, aspirations and values. The advisory board shall not be an advocacy group to lobby for or represent special interests.

Members of the human services advisory board may serve as a board member or as paid or nonpaid staff of a human service agency only if ~~that agency does not apply for or receive funding from the town~~ they recuse themselves from any and all hearings and deliberations about that agency."

**Section 7. Chapter 6, Article I, Section 6-9 Membership, terms, for the Cemeteries Advisory Board is hereby revised to read as follows:**

"Sec. 6-9. - Membership, terms.

~~The cemeteries advisory board shall consist of five (5) members appointed by town council. In addition to council-appointed members, the historic district commission and the Preservation Society of Chapel Hill shall designate one of its current members to represent them on the cemeteries advisory board as non-voting representatives. The terms of office shall be three (3) years, or until their successors are appointed and qualified, except that the initial terms of members first appointed shall be as follows: two (2) members shall be appointed for a period of one (1) year, two (2) members shall be appointed for a period of two (2) years, and one (1) member shall be appointed for a period of three (3) years. Members may be reappointed to succeed themselves for a second consecutive term. The terms of all members shall expire on the thirtieth day of June following the end of the final year of their terms. Members of the board shall be appointed in accordance with the council's advisory board membership policy."~~

**Section 8. Sections 1 through 7 of this ordinance shall become effective upon enactment.**

**Section 9. Article I, Division 2, CEMETERIES ADVISORY BOARD, Sections 6-8 through Section 6-11 is hereby removed from the Town Code of Ordinances, and Sections 6-8 through 6-17 shall be Reserved.**

~~"DIVISION 2.—CEMETERIES ADVISORY BOARD~~

~~Sec. 6-8.—Created; named:~~

~~A cemeteries advisory board is hereby created for the Town of Chapel Hill for the purpose of providing citizen input to the town council on policies for the operation and maintenance of~~

the town's cemeteries.

~~Sec. 6-9. — Membership, terms.~~

~~The cemeteries advisory board shall consist of five (5) members appointed by town council. In addition to council appointed members, the historic district commission and the Preservation Society of Chapel Hill shall designate one of its current members to represent them on the cemeteries advisory board as non-voting representatives. The terms of office shall be three (3) years, or until their successors are appointed and qualified, except that the initial terms of members first appointed shall be as follows: two (2) members shall be appointed for a period of one (1) year, two (2) members shall be appointed for a period of two (2) years, and one (1) member shall be appointed for a period of three (3) years. Members may be reappointed to succeed themselves for a second consecutive term. The terms of all members shall expire on the thirtieth day of June following the end of the final year of their terms.~~

~~Sec. 6-10. — Appointment, vacancies.~~

~~The members shall be appointed and vacancies filled as prescribed in Section 11.D-2 of the Council's Procedures Manual.~~

~~Sec. 6-11. — Meetings, chairperson.~~

~~The cemeteries advisory board shall hold meetings quarterly at such time and places as it shall determine. It shall annually elect one (1) member to serve as chairperson and to preside over its meetings. All meetings of the board shall be open to the public in accord with the Open Meetings Law of North Carolina, and reasonable notice of the time and place thereof shall be given to the public in accord with Chapter 143, Article 33C of the N.C. General Statutes. The board shall keep a record of its meetings; including attendance of its members; its resolutions, findings, recommendations and actions. A quorum of the board, necessary to take any official action, shall consist of a majority of members excluding any vacant seats. The concurring vote of a simple majority of those members present shall be necessary to take any official action.~~

~~Secs. 6-812—6-17. - Reserved."~~

**Section 10. Section 9 of this ordinance shall become effective June 30, 2019.**

This the 5<sup>th</sup> day of December, 2018.