



Legislation Details (With Text)

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File created:	10/17/2019	In control:		Town Council	
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Title:	Consider Expanding the Length of Term That a Member May Serve as an Officer on a Board.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. A RESOLUTION AMENDING THE ADVISORY BOARD ROLES CLAUSE IN THE ADVISORY BOARD MEMBERSHIP POLICY AND CALLING A PUBLIC HEARING TO AMEND THE LAND USE MANAGEMENT ORDINANCE PERTAINING TO THE BOARD OF ADJUSTMENT AND HISTORIC DISTRICT COMMISSION (2019-11-13/R-11)				

Date	Ver.	Action By	Action	Result
11/13/2019	1	Town Council	adopted	Pass

Consider Expanding the Length of Term That a Member May Serve as an Officer on a Board.

Staff:

Ralph Karpinos, Attorney
Amy Harvey, Deputy Town Clerk

Department:

Town Attorney's Office
Communications and Public Affairs

Overview: Several advisory boards cite challenges fulfilling the officer roles due in part to the defined term limitations. The Council Committee on Boards and Commissions recommends an expansion of the term length for the Council's consideration.

**Recommendation(s):**

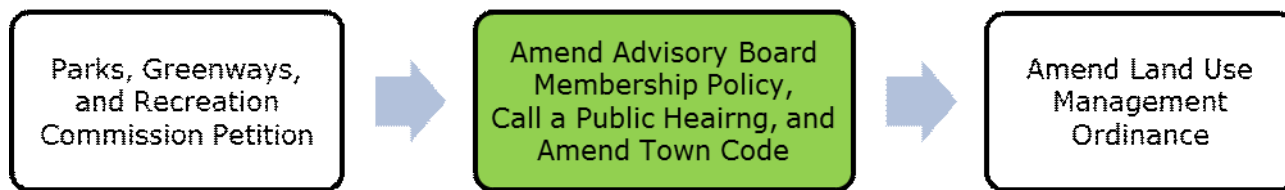
That the Council expand the length of term that a member may serve as an officer on a board by:

amending the Advisory Board Membership Policy;
calling a public hearing to amend the Land Use Management Ordinance (LUMO); and,
enacting amendments to the Town Code of Ordinances.

The recommended changes to the LUMO and Town Code would make the rules on terms more consistent among the boards. (The Grievance Hearing Board (which hears employee cases) is not included in this proposed amendment because it does not hold regular meetings.)

Relocating the length of term standards from the LUMO to the Council's policy will allow further adjustments to terms of officers, if deemed by the Council to be appropriate, without going through the public hearing steps required by law to amend the LUMO.

Where is this item in its process?



Attachments:

- Resolution
- Ordinance

A RESOLUTION AMENDING THE ADVISORY BOARD ROLES CLAUSE IN THE ADVISORY BOARD MEMBERSHIP POLICY AND CALLING A PUBLIC HEARING TO AMEND THE LAND USE MANAGEMENT ORDINANCE PERTAINING TO THE BOARD OF ADJUSTMENT AND HISTORIC DISTRICT COMMISSION (2019-11-13/R-11)

WHEREAS, the Parks, Greenways, and Recreation Commission petitioned the Town Council to permit the current officers to serve an additional year and recommended a change to policy; and

WHEREAS, on September 23, 2019, the Council Committee on Boards and Commission discussed adjusting the term limitations for advisory board officers after individual Council members heard from multiple boards regarding their challenges to fill the officer positions; and

WHEREAS, the Council Committee on Boards and Commissions recommended that the full Council consider amending the Advisory Board Membership Policy to allow a member to serve as a Vice-Chair for a maximum of two consecutive years, and also be eligible to serve as a Chair for a maximum of two consecutive years (thus no officer would serve more than four consecutive years) and further, recommended that the Council amend the relevant sections of the Town Code of Ordinances to refer to the Advisory Board Membership Policy; and

WHEREAS, approval for the change for the Board of Adjustment and Historic District Commission requires amendment of the Land Use Management Ordinance through a public hearing process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council amends the Advisory Board Membership Policy, section under Advisory Board Roles as follows:

"Advisory Board Roles

Every September, advisory boards shall elect a Chair and Vice-Chair to serve a one year term. No one shall serve more than two consecutive terms as Vice-Chair and no more than two consecutive terms as a Chair. ~~as an officer on an advisory board or commission for more than two consecutive full terms. No one shall serve more than a total of four consecutive terms as an officer. Following a one-year absence, a~~ An individual is eligible to serve again as an officer on the same board or commission after one year in a non-officer role or one year not serving on that board."

BE IT FURTHER RESOLVED that the Council calls a Public Hearing on January 8, 2020 to amend the Land Use Management Ordinance Section 8.3.3 Officers and Section 8.4.4 Officers to apply the change listed above to the Board of Adjustment and Historic District Commission.

This the 13th day of November, 2019.

AN ORDINANCE AMENDING THE ADVISORY BOARD OFFICER CLAUSES FOR THE ADVISORY BOARDS (2019-11-13/O-2)

WHEREAS, the Parks, Greenways, and Recreation Commission petitioned the Town Council to permit the current officers to serve an additional year and recommended a change to policy; and

WHEREAS, on September 23, 2019, the Council Committee on Boards and Commission discussed adjusting the term limitations for advisory board officers after individual Council members heard from multiple boards regarding their challenges to fill the officer positions; and

WHEREAS, the Council Committee on Boards and Commissions recommended that the full Council consider amending the Advisory Board Membership Policy to allow a member to serve as a Vice-Chair for a maximum of two consecutive years, and also be eligible to serve as a Chair for a maximum of two consecutive years (thus no officer would serve more than four consecutive years) and further, recommended that the Council amend the relevant sections of the Town Code of Ordinances to refer to the Advisory Board Membership Policy; and

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

Section 1. Article XIII, Chapter 2, Section 2-179 of the Town Code of Ordinances pertaining to the Cultural Arts Commission is here by revised to read as follows:

"Sec. 2-179. - Meetings, chairperson.

The cultural arts commission shall regularly hold meetings at such times and places as it shall determine. Meetings of the commission shall be in compliance with the Open Meetings Law of North Carolina. ~~It shall select a chair from its members, and such other officers as it deems appropriate, to serve for a term of one (1) year.~~

A quorum of the commission, necessary to take an official action, shall consist of a majority of the current membership of the commission, not counting any vacant seats. The concurring vote of a simple of those members present shall be necessary to take any official action.

Officers and terms of officers shall be in accordance with the council's advisory board membership policy."

Section 2. Article XII, Chapter 2, Section 2-173 of the Town Code of Ordinances pertaining to the Environmental Stewardship Advisory Board is here by revised to read as follows:

"Sec. 2-173. - Meetings, chairperson.

The environmental stewardship advisory board shall regularly hold meetings at such times and places

as it shall determine. ~~In September of each year, it shall select a chair and a vice chair from its members to serve for a term of one (1) year.~~

Officers and terms of officers shall be in accordance with the council's advisory board membership policy.

All meetings of the board shall be open to the public in accordance with the Open Meetings Law of North Carolina, and reasonable notice of the time and place thereof shall be given to the public in accordance with Chapter 143, Article 33C of the North Carolina General Statutes. The board shall keep a record of its meetings, including attendance of its members and actions. A quorum of the board, necessary to take an 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."

Section 3. Article XI, Chapter 2, Section 2-163 of the Town Code of Ordinances pertaining to the Housing Advisory Board is here by revised to read as follows:

"Sec. 2-163. - Meetings, chairperson.

The housing advisory board shall regularly hold meetings at such times and places as it shall determine. ~~In September of each year, it shall select a chair and vice chair from its members to serve for a term of one (1) year.~~

Officers and terms of officers shall be in accordance with the council's advisory board membership policy.

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 North Carolina General Statutes. The board shall keep a record of its meetings, including attendance of its members and actions. A quorum of the board, necessary to take an 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. "

Section 4. Article VII, Chapter 2, Section 2-123 of the Town Code of Ordinances pertaining to the Human Services Advisory Board is here by revised to read as follows:

"Sec. 2-123. - Meetings; chairperson.

The human services advisory board shall regularly hold meetings at such time and places as it shall determine. ~~It shall annually elect one member to serve as chairperson and preside over its meetings. It may create and fill such other offices and committees as it may deem necessary.~~

Officers and terms of officers shall be in accordance with the council's advisory board membership policy.

All meetings of the board shall be open to the public, and reasonable notice of the time and place thereof shall be given to the public in accord with Chapter 143, Article 33C of the North Carolina 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. "

Section 5. Article IX, Chapter 2, Section 2-143 of the Town Code of Ordinances pertaining to the Chapel Hill Public Library Advisory Board is here by revised to read as follows:

"Sec. 2-143. - Meetings; chairman.

The Chapel Hill Public Library Advisory Board shall regularly hold meetings at such times and places as it shall determine. ~~It shall select from its membership a member to serve as chairman and such other officers as it deems appropriate to serve for a term of two (2) years.~~

Officers and terms of officers shall be in accordance with the council's advisory board membership policy."

Section 6. Article II, Chapter 12, Section 12-20 of the Town Code of Ordinances pertaining to the Parks, Greenways and Recreation Commission is here by revised to read as follows:

"Sec. 12-20. - Meetings; chairman.

The parks, greenways and recreation commission shall hold meeting at such time and places as it shall determine, and shall adopt by laws, rules and regulations governing its procedure. ~~It shall select from its membership a commissioner to serve as chair, and such other officers as it deems appropriate to serve for a term of one year.~~

Officers and terms of officers shall be in accordance with the council's advisory board membership policy."

Section 7. Article I, Chapter 23, Section 23-13 of the Town Code of Ordinances pertaining to the Stormwater Management Utility Advisory Board is here by revised to read as follows:

"Sec. 23-13. - Officers.

The board shall elect one member to serve as chair and to preside over its meetings, and shall create and fill such offices and committees as it may deem necessary. ~~The term of the chair and other officers shall be one (1) year, with eligibility for re-election to a second term.~~ The chair or any member acting as chair is authorized to administer oaths to witnesses coming before the board.

Officers and terms of officers shall be in accordance with the council's advisory board membership policy."

Section 8. Article VIII, Chapter 2, Section 2-133 of the Town Code of Ordinances pertaining to the Transportation and Connectivity Advisory Board is here by revised to read as follows:

"Sec. 2-133. - Meetings; chairman.

The transportation and connectivity advisory board shall regularly hold meetings at such times and places as it shall determine. ~~In September of each year, it shall select a chair and vice chair from its members to serve for a term of one (1) year.~~

Officers and terms of officers shall be in accordance with the council's advisory board membership policy."

All meetings of the board shall be open to the public in accordance with the Open Meetings Law of North Carolina, and reasonable notice of the time and place thereof shall be given to the public in accordance with Chapter 143, Article 33C of the North Carolina General Statutes. The board shall keep a record of its meetings, including attendance of its members and actions. A quorum of the board, necessary to take an 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. "

Section 9. This ordinance shall become effective November 13, 2019.

This the 13th day of November, 2019.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

PRESENTER: Pam Hemminger, Mayor

RECOMMENDATION: That the Council expand the length of term that a member may serve as an officer on a board by adopting a resolution to amend the Advisory Board Membership Policy, calling a public hearing to amend the Land Use Management Ordinance and enacting amendments to the Town Code of Ordinances.