



Legislation Details (With Text)

File #: 17-170 **Version:** 2 **Name:**
Type: Agendas **Status:** Other Matters
File created: 5/16/2017 **In control:** Board of Aldermen
On agenda: 10/3/2017 **Final action:**
Title: Review and Discussion of Draft Rules of Procedure for Boards and Commissions

PURPOSE: The purpose of this item is to allow the Board of Aldermen to review and discuss the draft Rules and Procedures for Boards and Commission. After discussion, the rules will be included in the Draft Advisory Board Guidelines and brought back to the Board of Aldermen for adoption. There are there policy questions that the Board of Aldermen has requested to address.

Indexes:

Code sections:

Attachments: 1. Attachment A - Resolution, 2. Attachment B - Rules of Procedure for Boards and Commissions.pdf, 3. Attachment C - 7-7-17 - Memorandum from Nick Herman on Remote Participation on Planning Board.pdf

Date	Ver.	Action By	Action	Result
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TITLE:

Review and Discussion of Draft Rules of Procedure for Boards and Commissions

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DEPARTMENT: Town Clerk

CONTACT INFORMATION: Catherine Dorando

INFORMATION: In coordination with the Town’s Management Team, the draft Rules of Procedure for Boards and Commissions were drafted for inclusion in the Advisory Board Guidelines and adoption as an administrative policy. This document is intended to formalize a policy that will allow staff and advisory boards to function effectively, efficiently, and consistently. After the Board discusses the Rules of Procedure, they will be adopted by the Town’s Management Team as an internal policy and included in the Advisory Board Guidelines.

Consistency in process and adherence to public records laws is the impetus behind the creation of this draft policy.

The Town Clerk provided the draft document for the Board to comment on via email. It was then scheduled for this meeting so that the Board could discuss the questions and suggestions related to the draft.

Responses to Questions Posed:

1. Q: Meeting Agenda. Under what conditions does a witness require swearing in?

A: The only time a witness will be sworn in would be during a Board of Adjustment quasi-judicial hearing. No other advisory boards would require a swearing-in.

2. Q: Open Meetings. Can Advisory Board members ask that staff liaisons or Board liaisons leave the room during a discussion item?

A: There is no statutory authority for an advisory board to enter into a closed session. Thus, all business shall be conducted in an open meeting and no person, including the liaison, shall be excluded.

Policy Questions for the Board to Discuss:

1. Alderman Gist suggested that although the draft references the code of ethics that it would be best if it explicitly stated that advisory board members must refrain from voting on items that financially impact themselves or their employer.
2. Alderman Chaney suggested further clarification of the Board Liaison role. For example, can board liaison's call or cancel meeting? Influence agendas? Vote? How heavily can or should liaisons participate in discussion of agenda items? As point of information only? After this discussion, if the Board wishes to clarify or define the roll of the Board of Aldermen liaison, they should direct the Clerk/Attorney to draft an ordinance to bring back to a future meeting.
3. Alderman Chaney suggested that all Advisory Board and Commission meetings be audio recorded. It is suggested that if audio recordings of board meetings are created, then the staff liaison shall maintain these audio recordings in accordance with the public records laws. Audio/video media do not have a permanent life span (based on NCGS), and it would be inconvenient and difficult to continually copy audio/video minutes to ensure their permanent status. Technology is constantly changing and the particular media used to record minutes might become obsolete, again making it difficult to copy audio/video minutes to maintain their permanent status.
4. Remote attendance: (Memo of 7-7-17 attached) Attorney Nick Herman has suggested that the Board of Aldermen decide if consistency in remote participation should be standard throughout the Town Code. If so, he recommends that it mimic the remote participation standards of the Planning Board, due to state law, as shown below:

At the discretion of the Chair and provided that quorum requirements are otherwise met, a regular member who is unable to attend a meeting due to physical incapacitation or absence from the Town beyond a reasonable travel distance may participate by teleconference, subject to the availability of functioning equipment, and will be considered present but not able to vote. A member wishing to

participate by teleconference should contact the Chair at least 24 hours prior to the meeting.

After this discussion, if the Board wishes to define remote participation, they should direct the Clerk/Attorney to draft an ordinance to bring back to a future meeting.

FISCAL & STAFF IMPACT: Each advisory board has a budget and added use of audio recording should be achievable with existing funds.

RECOMMENDATION: It is recommended that the Board of Aldermen discuss the draft Rules of Procedure for Boards and Commission and the three questions posed above and authorize the inclusion of the Rules of Procedure in the Advisory Board Guidelines and for internal adoption as an administrative policy.