

Wake County Board of Commissioners Policy and Procedures for Advisory Board and Committee Appointments

Adopted May 4, 2009

BACKGROUND/JUSTIFICATION: The policy for *Procedures for Advisory Board Appointments* was originally adopted September 3, 1985 and most recently revised January 1, 2005. The Wake County Board of Commissioners met on January 29, 2009 in a work session and reviewed this policy. The following has been amended per commissioner discussion and is submitted for approval by the Board of Commissioners.

The attached policy is more concise, category specific, and is intended to reflect current practices. Some statements that were outdated or no longer applicable were removed.

DEFINITIONS:

Board or Committee – This term is intended to include all advisory boards, commissions, committees or authorities under the appointment authority of the Wake County Board of Commissioners.

Nomination Process – Addresses the simple nomination process and process of multiple nominations for one vacancy.

Voting Procedures – This addresses multiple nominations for one position.

Membership Terms – Addresses the standard term for each board and exceptions for terms that are more than the normal two years.

Attendance Requirement – Addresses attendance and the requirement of the submission of annual attendance reports..

Removal of Members From Advisory Boards – Addresses policy and authority when for removing a member from a board or committee.

REVISED POLICY AND PROCEDURES FOR APPOINTMENTS TO WAKE COUNTY BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES

WHEREAS, it is the statutory duty of the Wake County Board of Commissioners, as the Governing Body of Wake County, to appoint persons to various boards, commissions, committees or authorities, to assist in the operation of county government, and

WHEREAS, the Board of Commissioners is desirous of appointing qualified, knowledgeable, and dedicated people to serve on the aforesaid boards, commissions, committees or authorities, to that end solicits the interest and input of the citizens of Wake County in making said appointments.

NOW, THEREFORE, BE IT RESOLVED by the Wake County Board of Commissioners that the following is the revised policy and procedure for making appointments to boards, commissions,

committees and authorities which supersedes any former policies or addendums relating to appointment procedures.

Section 1. Eligibility for Appointment

A. Any person appointed to an advisory board must be a resident of Wake County (unless serving as a Wake County employee in a job related capacity.)

B. The Board will make every effort not to appoint an individual to be on more than one advisory or quasi-judicial board. The Board, however, reserves the right to do so under special circumstances.

C. No citizen of Wake County may serve in more than two appointed positions unless exempted by nature of the position he or she may hold in governmental service or as a matter of law. Should a citizen wish to serve in a third position, said citizen must be in compliance of the statutory provision, and willing to resign from one of the two boards they are currently serving on. This General Statute relates to serving on two appointed positions simultaneously in municipal, county, state and federal positions.

D. All appointments will be made according to the Appointment Statute or Ordinance that created that board or committee.

E. To be appointed to a County board or committee an individual must be nominated by a Commissioner and receive the votes of at least a majority of the entire membership of the Board, or a majority of a quorum present.

F. County employees may serve on any advisory board where appointments are made by the Board of Commissioners, including special study committees appointed for the purpose of recommending funding or policy. This policy allows County employees to serve in an ex-officio capacity on any of the above advisory boards when required by law, or when such service is deemed by the Board of Commissioners to be in the best interests of the County. When serving in this capacity as part of their job, County employees are not eligible for stipend payments.

G. The Board reserves the right to deviate from any portion of this policy.

Section 2. Nomination Process

A. Nominations and appointments to advisory boards shall appear, as appropriate, on the agenda for the first regular business meeting of each month; however, the Board reserves the right to deviate from this schedule as noted in the exceptions below.

B. If an appointment is being considered to an advisory board which has both regular and alternate members, this Board should elevate alternate members who are currently serving and in good standing to regular status, and appoint new members to alternate status, unless this Board states a reasonable position to do otherwise on a case by case basis.

Section 3. Voting Procedures

A. To be appointed to an advisory board an individual must receive the votes of at least a majority of the entire membership of the Board, or a majority of a quorum present.

B. When a Commissioner is present at a meeting, he or she must vote at least once on the nominations before the Board for each advisory board or committee being considered. The number of times that a Commissioner may vote is determined by the number of vacancies on the advisory board or committee.

C. If any position remains unfilled after the first vote, the voting should be repeated for that position as many times necessary to obtain the votes of the majority of the membership for a nominee to fill the position. When repeated voting for a position is necessary, only the names of nominees having received the top number of votes are kept on the ballot for a continued voting process.

Section 4. Membership Terms

A. Except in extraordinary circumstances or where otherwise restricted by legislative authority creating or authorizing the creation of County advisory boards, it shall be the policy of the Board of Commissioners of Wake County that terms of membership on County advisory boards shall be for two years. No member shall serve more than three (3) consecutive terms (6 years) or a total of five (5) terms (10 years) in any one appointed position. An individual whose initial appointment is to fill an unexpired term or an initial staggered term of less than two years, shall be eligible to serve the number of full-length terms other members are eligible to serve, unless, prior to the time for reappointment that individual has already served six consecutive years.

This policy may be waived, by suspension of the rules, if the Board of Commissioners determines that the removal of a number of individuals made ineligible by this statute would be detrimental to the functioning of that board or committee. Exceptions to two-year terms are attached to this document.

B. Effort should be made when creating new advisory boards and with present advisory boards to consolidate expiration of terms for members to expire at one time during each quarter of each year.

Section 5. Attendance Requirement

A. Upon appointment, new and reappointed members will receive a copy of the attendance policy with the appointment letter. If an appointee does not attend, in any calendar year, at least 75% of the scheduled meetings of the board or committee to which he or she is appointed, he or she may be asked to resign by the Board of Commissioners. Such absences shall also be a consideration by the Board of Commissioners in whether an individual may be re-appointed to a position. Failure to attend at least 75% of such scheduled meetings in any calendar year shall constitute cause for removal by the Board if the individual refuses to resign. For purposes of this paragraph, required meetings for the Board of Adjustment shall not include site visits. The chair of each board or committee, a majority of which whose membership is appointed by this Board of Commissioners, shall make regular reports to the Clerk of the Board of Commissioners of membership attendance. For all other boards, commission, committee or authority the chairs are requested to make such reports regarding the attendance of members appointed by the Board of Commissioners.

B. Members must be present for at least 50% of a meeting in order to be counted as being present at that meeting.

C. By-laws adopted regarding attendance may be more stringent but must be in compliance with the minimum attendance requirement as set forth by the Board of Commissioners.

D. Persons appointed to the Adult Care Home Community Advisory Committee and the Nursing Home Community Advisory Committee shall comply with the attendance requirement as outlined in the General Statutes governing them.

Section 6. Removal of Members from Advisory Boards

A. The Board of Commissioners reserves the right, at any time and for any reason, to remove any member of any advisory board or committee when a motion for removal receives the votes of at least a majority of the entire membership of the Board.

Section 7. Ethics and Conflicts of Interest

A. Each newly appointed person will receive a copy of the current Wake County Board of Commissioners Ethics Policy as and if amended, and which was originally adopted on December 2, 1985.

B. Advisory board members are solely responsible for conferring with the County Attorney with concerns of Conflicts of Interest prior to voting on such matters.

Section 8. Administrative Procedures

- A. Appointments and reappointments of advisory board members will be coordinated by the Clerk to the Board having direct contact with the advisory board chairperson and/or staff liaison. The advisory board chairperson and/or the staff liaison shall notify the Clerk to the Board of any discrepancies in the upcoming vacancy report received. They shall also notify the Clerk to the Board in writing of any resignations.
- B. Wake County's Website, Wakegov.com, will host information on each board or committee which will be updated regularly. Information on each advisory board including function or purpose of the board or committee, regular meeting dates, times, and location, as well as the current membership list with their term dates.
- C. Sixty (60) days prior to the expiration of an appointed term, a notice will be sent to each person eligible for reappointment requesting information on his or interest in continuing to serve.
- D. Applications to serve on a board or committee must be submitted a minimum of 14 days prior to the Board meeting when the appointment will be considered. Applications submitted for appointment consideration to any advisory board or committee will remain on file for twelve months from the online completion date. **(Applications for Appointments are Public Record.)**

- E. The Clerk to the Board shall provide copies of applications to advisory board chairpersons and/or staff liaisons upon request. After the chairperson and/or staff liaison have reviewed the applications, he or she will notify the Clerk to the Board, in writing (to include e-mail), of any recommendation for appointment, if they so desire.
- F. The agenda item for appointments to advisory boards will be prepared by the Clerk to the Board, or designee, and provided to the Board of Commissioners as part of the agenda package for the regular meeting. The agenda item will include the name of the advisory board or committee, its purpose, membership criteria, number of vacancies, applicant information, and current membership information.
- G. Applications received after the agenda package has been prepared for distribution to the Board of Commissioners will not be considered in that month's appointment process, but will be filed and submitted to the Board at the next appropriate time.
- H. Following the regular board meeting where appointments have been made, individuals who were appointed or reappointed will be contacted notifying them of their appointment. Individuals will be notified when their term expires along with an expression of appreciation for their years of service to Wake County. Individuals not appointed, will be contacted thanking them for their interest and informing them that their application will remain active for upcoming vacancies for one year from the application date.
- I. Minutes of advisory board meetings will be maintained by the County Agency Director with an assigned staff liaison to said advisory board or committee. Said minutes are to be kept in perpetuity.
- J. The Clerk to the Board will maintain all appointment records pertaining to advisory boards in a notebook in the office for public inspection.

ADOPTED this the 4th day of May, 2009.

Wake County Board of Commissioners Appointment Policy

Originally adopted September 3, 1985.

Revised February 23, 1987.

Revised January 1, 2005.

Revised Policy and Procedure Adopted May 4, 2009.

Prepared by: Susan J. Banks, Clerk to the Board
Denise Hogan, Deputy Clerk

Reviewed by: Scott Warren, County Attorney

Attachment to Appointment Policy

Exceptions to two-year terms:

- 1) Planning Board and Board of Adjustment terms for Municipalities are determined by the Municipality (the majority being three-year terms)
- 2) Wake County Adult Care Home Community Advisory Committee (one-year initially, two and three-year reappointments are staggered for continuity of the board)
- 3) Wake County Alcoholic Beverage Control Board – three-year terms.
- 4) Wake County Board of Adjustment – three-year terms.
- 5) Capital Area Workforce Development Board – one and two-year staggered terms.
- 6) Centennial Authority – initial two year appointment, four-year terms staggered
- 7) Women’s Commission – one and two-year staggered terms.
- 8) Wake County Council on Fitness and Health – one and two-year staggered terms.
- 9) Wake County Criminal Justice Partnership Advisory Committee – one, two and three-year staggered terms, one-third of the members serving one year, one-third serving two years, and one-third serving three years.
- 10) Durham and Wake Counties Research and Production Service District Advisory Committee – three-year terms, staggered.
- 11) Wake County Housing Authority – five-year terms
- 12) Wake County Board of Human Services –four-year terms
- 13) Wake County Industrial Facilities and Pollution Control Financing Authority – six year term
- 14) Wake County Nursing Home Community Advisory Committee – one-year initial term, then three-year term upon reappointment.
- 15) Triangle Transit Authority Board – four-year staggered term
- 16) United Arts Grants Panel – one, two and three-years by district.
- 17) WakeMed Hospital Board of Trustees – five year term

18) Wake Technical Community College Board of Trustees – four year term