

 Morrisville Live connected. Live well.	POLICY	
	Administration	Effective: July 1, 2018 Approved: May 8, 2018
Appointed Public Bodies Administrative Policy		Supersedes: February 9, 2016
		Prepared By: Erin L. Hudson, Town Clerk
		Approved By: Martha Paige, Town Manager Town Council

I. Purpose

To establish administrative procedures for Advisory Public Bodies appointed by the Town Council.

II. Scope

This policy addresses general administrative matters regarding Advisory Boards and Committees. It should be noted that this does not include specific areas of regulation of Advisory Boards where addressed within the Unified Development Ordinance [Board of Adjustment (BOA) and Planning and Zoning Board (PZB)] and noted herein.

III. Definitions

- **Advising/Supporting Department** – sometimes referred to as “Lead Department” or “Support Staff,” identified Town of Morrisville department designated to support a specific board/committee(s). Responsibilities outlined in Section 9.b.
- **Appointment/appointed** – any resident selected to serve on a board/committee is appointed to that seat for a specified term.
- **Board/Committee** – used interchangeably, also “Advisory Board/Committee” and “Public Body”. Residents of the Town of Morrisville appointed by Town Council to serve in an advisory capacity to Town Council.
- **Board/Committee Chair** – elected by board/committee membership to serve as head of assigned board/committee. Responsibilities of the Chair include but are not limited to facilitation and management of meetings, ensuring members behave in a manner consistent with the Conduct Guidelines provided in Section 5, and providing agenda topics for consideration.
- **Department Head** – Head of department assigned to support a given board/committee. Responsibilities include but are not limited to advising the board/committee, providing input/feedback on agenda topics, and assisting with development of annual work plan.

IV. Policy

All appointed members shall be responsible for understanding the policy and abiding by its instruction so long as they serve in an appointed capacity with the Town of Morrisville.

V. Standard Procedures

1. NORTH CAROLINA OPEN MEETINGS and PUBLIC RECORDS LAWS

All Public Bodies of the Town of Morrisville will adhere to State Law for Open Meetings as defined by North Carolina General Statute Article 33C Meetings of Public Bodies. The

Town Clerk will provide training to appropriate Town support staff regarding Open Meetings Law to ensure they are followed. Public Records provisions are outlined in North Carolina General Statute Chapter 132.

a. Notice of Meetings:

The regular schedule of meetings shall be posted to the Town Website when approved by the board/committee annually, no less than 48 hours prior to the time of the meeting. Meetings are open to all attendees and the public. Notice shall include the date, time and location of the meeting to be shared with the full board/committee, posted to the Town's website, and posted at the meeting location (or new location if changed) at least 48 hours prior to the time of the meeting. (See Section 6.a. MEETING SCHEDULE)

Any radio or television station is entitled to broadcast all or any part of an open meeting. Any person may photograph, file, tape-record or otherwise reproduce any part of an open meeting.

b. Public Records:

- i. "All documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions."
- ii. Exceptions: confidential information as defined in NCGS 132-1.2
- iii. Destruction of records regulated: outlined in NCGS 132-3
- iv. Disposition of records at end of term and custody: outlined in NCGS 132-4 and 5
- v. Inspection of public records: outlined in NCGS 132-6

c. Emails:

Advisory Boards and Committees should not conduct business outside of regularly scheduled or properly called special meetings. E-mail correspondence (questions/comments/suggestions) outside of a public meeting should be directed to the lead department designated staff person only and not include other board/committee members in the e-mail. The lead department will respond to the entire board/committee. To avoid conflict with open meetings law, individual members should not "reply all" to staff emails that include the entire board/committee, but should respond directly to the staff person.

d. Contact Information:

Appointed Public Body Members should keep their support department updated on their current email address, phone number and mailing address. Any changes should be reported as soon as the change occurs or at the next meeting attended, to ensure town staff meeting notifications and correspondence are received.

2. MEMBERSHIP

**This portion of the policy does not apply to the BOA or the PZB which are addressed in the Unified Development Ordinance.*

- a. Advisory Boards/Committees in General:
 - i. Council may establish a charter or adjust a charter at any time.
 - ii. Shall not consist of more than 11 members at any given time, each serving without compensation. There shall be no alternate members.
 - iii. Applicants must be 18 years or older to be eligible for appointment.
 - iv. Eligible persons must reside within the corporate limits of Morrisville.
 - v. Board/Committee members that move outside the corporate limits of Morrisville will become ineligible for membership.
 - vi. Where possible, special training and/or experience in the field applicable to the committee/board is desired.
 - vii. Prior participation in Morrisville 101 is preferred.
 - viii. Board/Committee members may be removed by the Town Council for any reason (See Section 5. CONDUCT).

- b. Terms
 - i. Eligible persons wishing to serve shall submit an application to the Town Clerk requesting appointment to a term by the Town Council. All terms, shall be for two years.
 - ii. Citizens may serve on one Advisory Board/Committee at one time – *Effective with appointments beginning July 1, 2018.*
 - Those members appointed to two committees may serve the remainder of both appointments
 - Members are eligible for reappointment to ONLY ONE board/committee
 - Members may choose to resign from one of the board/committee appointments (but are not required to do so)
 - If a member chose to resign from one of two board/committee appointments, he/she would be able to continue to serve the remaining term appointed
 - If terms do not expire at the same time, member will NOT be eligible for reappointment to initial expiring term, if they have a second appointment. Example:
 - o Term A expires 12/31/18 and Term B expires 8/31/19
 - o Member will not be eligible for reappointment to Term A as there is time remaining in appointment with Term B
 - iii. Qualified Extra-Territorial Jurisdiction applicants may be appointed without limitation.

- c. Term Limits (Chair and Vice Chair positions):
 - i. Any member appointed to the position of chair OR vice chair shall hold that seat for no more than two consecutive terms (one year per term, two years total). Any member appointed to the position of chair and/or vice chair consecutively, may only serve a maximum two terms per appointed office (two years each as chair or vice chair, for a maximum total of four years). If elected to two consecutive terms per office appointment (four years), after that time, the member will be ineligible to hold either the chair OR vice-chair seat for a one-term (one year) period. Overall board/committee membership eligibility is otherwise unaffected.

- d. Senior Advisory Committee Only:
 - i. Applicants to the Senior Advisory Committee must be 55 years or older to be considered for appointment.
 - ii. Existing members as of adoption of these policies not living in the Town are grandfathered and eligible for reappointment at the discretion of Town Council.

- e. Membership Exclusions:
 - i. Town of Morrisville employees, an elected official, or a spouse of an elected official/Town of Morrisville employee are not eligible for appointment.
 - ii. Citizens may not be appointed to a subcommittee without having been appointed to the committee by Town Council.
 - iii. Immediate family members (including parents, spouses, siblings, and children) may not serve on the same board/committee as a current appointee. There is no exclusion for appointment to separate boards/committees.

3. OTHER APPOINTED BODIES

Town Council may establish ad-hoc committees to address a specific need or purpose. Appointment of members and charter provisions will be adopted by Town Council resolution.

Ad Hoc Committees may, based on the purpose of the committee and at Town Council discretion, include specific expertise designations and/or non-residents.

Subcommittees of members of appointed public bodies are authorized but may not include members not appointed by Town Council.

4. ESTABLISHMENT OF NEW STANDING ADVISORY BOARDS OR COMMITTEES

Council may establish a new Advisory Board/Committee by majority vote of Town Council. A charter to establish the name, type, and purpose of the committee and meeting frequency will be developed and adopted by Town Council. A lead support department and support functions will be included in the charter.

Fifty percent (50%) of the initial appointments to an Advisory Board/Committee shall be for three year terms and the remaining initial members appointed shall be for two year terms. Terms shall be determined by ballot. If there are no staggered terms after the initial two years, Council may adjust terms of reappointment or appointment to establish staggered terms.

At the first meeting with a quorum the following shall occur:

- a. A meeting schedule shall be established.
- b. A Chair and Vice Chair shall be selected by a majority number of the present members.

5. CONDUCT

When participating in a meeting or conducting Town business (whether in person, via e-mail or other communication method), members shall conduct themselves in an ethical

and professional manner. All members are representing the interests of the Town and should not advocate for personal interests or personal agendas. Meeting discussion and comments should be focused on the agenda topics and business before the advisory board/committee for that meeting. Any member who engages in inflammatory, hostile or threatening language or behavior towards others, including but not limited to, elected officials, staff or another board/committee member, will be removed from the meeting.

Examples of offending behavior include but are not limited to cursing or use of explicit language, screaming, name calling, use of derogatory terms, destruction of property, and or causing harm to others or oneself.

Any member who engages in the aforementioned behavior is also subject to dismissal from the advisory board/committee.

a. Conduct Issues:

If a member demonstrates any of the behaviors noted above, any member of the Board/Committee should report the offending behavior to the Board/Committee Chair to address and seek resolution, as well as report to the Town Clerk/Town Manager. If the Board/Committee Chair engages in inappropriate conduct, another member of the board/committee should report the offending behavior to the Town Clerk/Town Manager to seek resolution. If unresolved, the Board/Committee Chair will be referred to the Town Clerk/Town Manager who may consult Town Council at his/her discretion.

Town Clerk/Town Manager will provide notice (as needed) of offending behavior to Town Council. Notice will be handled discreetly.

b. Notice:

The Board/Committee Chair is responsible for notifying the Board/Committee member of conduct unbecoming (in writing), as well as time allowed to resolve/remedy the issue (within two regularly scheduled meetings)

c. Removal:

Any Board/Committee member may be removed from service by a majority vote of Town Council for neglect of duty, non-participation, violation of Conduct policy, or other just cause. If removed for conduct unbecoming, Council may, at its discretion, prohibit that member from serving in the future on boards/committees for a specified period of time.

6. MEETINGS

a. Meeting Schedule

- i. Each Public Body shall establish its own regular meeting schedule in accordance with approved charter guidelines.
- ii. The Board/Committee's regular schedule of meetings shall be adopted at the last meeting of an annual year, or as soon thereafter that a quorum is established. This meeting schedule shall be posted to the Town website in accordance with Open Meetings Law (See Section V.1.a. NOTICE OF MEETINGS).

- iii. If a meeting is to be canceled, e-mail notice should be provided as early as possible to all board/committee members, the Town Clerk, posted to the Town website and posted at the front door of the meeting location.

b. Quorum

**This policy item does not apply to the BOA or the PZB which are addressed in the Unified Development Ordinance.*

- i. A majority (at least 50%) of the appointed members, (to include the chair OR vice chair), will constitute a quorum. Board/Committee vacancies may affect quorum numbers.
- ii. If the chair OR vice chair is not present, regardless the number of members present, a quorum cannot be met. Absent a quorum, any business conducted is void. Absent a quorum, the regularly called meeting will not be held, and the minutes should state that "There was no quorum, so no official meeting was held."
- iii. If a quorum is not met, it will not count as an absence for those members not in attendance.

c. Special Meetings

- i. Special meetings may be scheduled by a vote of the Board/Committee in open session during another duly called meeting or by written notice from the Chairperson, Vice-Chairperson or any two members submitting a written request to the support staff serving the Board/Committee at least four business days prior to the proposed meeting date.
- ii. Special meetings are subject to Open Meetings Law and must be reported to the Town Clerk immediately to ensure compliance.
- iii. Special meetings are to be posted and announced, including the date, time, location and topic(s) of discussion, by the support staff at least forty-eight hours prior to the meeting. Announcement includes:
 - Posting on the front door of the meeting location (and regular meeting location if different); and
 - Sending to the email addresses on file for each of the Board/Committee Members (that were not present at a meeting where a special meeting was approved by vote or to all members if the meeting was called by written notice) with a read return receipt. If no return receipt is received, notification should be left at the member's usual dwelling place; and
 - Emailing or mailing to each newspaper, wire service, radio station, television station, and person who has filed a written request for such notification.
- iv. Only those items of business specified in the notice may be discussed or transacted at a special meeting in according with North Carolina Open Meetings Law (See Section V.1. STANDARD PROCEDURES)

d. Agendas

- i. Agenda topics should be generated by the Board/Committee, with input from the Department Head.
- ii. Agendas for each meeting should be posted to the Town website no less than 48 hours prior to the scheduled meeting.

- iii. Any pertinent or supplemental meeting materials should be posted with the agenda.
- e. Minutes
 - i. Summary minutes of all meetings shall be maintained in accordance with Open Meetings and Public Record Laws. All public body minutes shall be scanned by Town support staff and submitted to the Town Clerk to be maintained in the Town's archives.
 - ii. Draft minutes should be posted to the Town's Historic Document Archive within 7 days of the meeting.
 - iii. Approved Minutes should be posted to the Town Historic Document Archive within 48 hours of approval by the board/committee.

7. ATTENDANCE

- a. Attendance in General
 - i. Each member of a public body appointed by the Town Council is responsible for faithfully attending all regular meetings of that body. Any member who expects to be absent at an upcoming meeting shall notify the support staff to that body at least 24 hours prior to the meeting.
- b. Attendance Guidelines

The following guidelines outline attendance. If a member's absences exceed the numbers below, he or she will be dismissed.

 - For Public Bodies with more than 11 meetings on their annual meeting schedule: Members will be allowed **three** absences within a calendar year.
 - For Public Bodies with 11 or fewer meetings on their annual schedule: Members will be allowed the number of absences **totaling one-third** (rounded up to the nearest whole number) of the total number of meetings in that period, within a calendar year.
 - i. Town support staff will retain an ongoing attendance record. Those members approaching the maximum allowable absences should be notified by the Town support staff as follows:
 - Two or less absences until dismissal – Courtesy Letter issued within 48 hours of meeting absence triggering notice
 - One absence until dismissal – Warning Letter issued within 48 hours of meeting absence triggering notice
 - ii. After verifying attendance records, the Town support staff should provide notice to the Chair or Vice Chair, who shall declare that member's seat to be vacant, and direct the staff support person to notify the member of their dismissal within 48 hours of the absence triggering the dismissal. A copy of the notice should be forwarded to the Town Clerk and kept on file.
- c. Exceptions
 - i. Board of Adjustment, Specifically:

Members with absences within any 12 month rolling period totaling 1/3rd (rounded up to the nearest whole number) of the total number of meetings in that period, unless the Board or Sub-Committee had only two or fewer meetings, in which case absences will not be considered for dismissal.

- ii. Extraterritorial Jurisdiction Members, Specifically:
For members appointed to represent the Planning and Zoning Board or the Board of Adjustment, the Wake County Board of Commissioners will be notified that the member has not maintained the standard for attendance and that the Town requests the member be replaced. The Town will forward a recommendation for a replacement along with this notification.
- iii. Exceptions to attendance guidelines may only be made by Town Council upon the request of a board/committee member. Exceptions may be made for additional absences incurred related to extenuating circumstances above the number of absences allowed. Council may grant exceptions at their discretion and may consult the board/committee chair to make determinations.
- d. Resignation of Members
Board/Committee members who wish to resign their position shall submit a written notification or e-mail to the lead staff support, who shall forward notification to the Town Clerk.

8. OFFICERS

**This portion of the policy does not apply to the BOA or the PZB which are addressed in the Unified Development Ordinance.*

- a. The selection of a Chairperson and Vice-Chairperson for the ensuing calendar year shall take place prior to the end of each year, or during the next closest regularly scheduled meeting. In the event a selection cannot be held, staff shall convene the next meeting and proceed with conducting the selection of officers.
- b. It shall be the duty of the Chairperson to preside at all meetings and to sign all official papers.
- c. The Vice Chairperson shall perform the duties of the Chairperson in his/her absence.
- d. Whenever the Chairperson or Vice Chairperson term is vacated due to resignation, dismissal, death, or otherwise, a new Chairperson or Vice Chairperson shall be selected by the Board/Committee without undue delay. In the event both offices are vacated, staff shall convene the meeting and proceed with conducting the selection of officers.

9. STAFF SUPPORT

The Lead Department shall be as listed in each Committee Charter. In addition to the Lead Department, other Departmental Support will be as follows:

- a. The Town Clerk, Public Information Officer, and Administrative staff shall provide support through the following functions:
 - Coordinate public information efforts
 - Advertise to accept membership applications and provide to Town Council for consideration.
- b. Responsibilities of Lead Departments:
 - Work with board/committee to coordinate and post agendas at least 48 hours in advance of scheduled meeting (in accordance with Open Meetings Law, see Section V.1. STANDARD PROCEDURES).

- Prepare and publish summary of minutes for meetings.
- Ensure the meeting schedule is published.
- Disseminate information to Board/Committee members as needed.
- Advise the public body.
- Work with Department Head to provide public body requested departmental specific reports.
 - Each Public Body may submit an annual report of the Board/Committee's fiscal year activities and other important matters to the Town Council by October of each year.
 - By request, special reports can be presented to the Town Council during any regularly scheduled Town Council meeting.
- Projects/Funding:
 - Boards/Committees shall develop an annual work plan by February of each year for the following fiscal year, and coordinate all projects and/or funding requests with their Lead Department. The board/committee should consult its scope of duties as outlined in its charter.
 - Funding for any projects should be included in the Department Head's annual operating budget request.

10. COMMITTEE APPOINTMENT AND RECRUITMENT

- a. Recruitment/Appointment in General
 - i. Advertisement and recruiting for committee appointments will occur on a rolling basis with major appointment cycles occurring in summer and fall.
 - ii. All interested applicants must complete an official Town of Morrisville application.
 - iii. Town Council may request additional/specific recruitment window to broaden applicant pool.
 - iv. Appointment to a committee is made by a majority of Town Council members (4), by ballot vote and approved by resolution at a regularly scheduled meeting.
 - v. All terms of office are for two calendar years unless appointed to fill a vacant position. *(Excepting BOA and PZB: Please see Unified Development Ordinance for specific appointment information).*
 - vi. Terms of office shall be staggered as much as possible to allow for continuity of membership. Adjustments in initial appointment terms may be recommended to accomplish this objective.

- b. Orientation and Training
 - i. New members will be notified of their appointment by the Town Clerk within seven (7) days of Town Council approval.
 - ii. The Lead Department Staff Support will contact the new member within ten (10) days of approval to provide meeting information and provide training and orientation to the committee.
 - iii. New members are expected to begin their duties no later than the second meeting after their appointment. Attendance criteria begin with the second meeting scheduled following appointment.
 - iv. Town Clerk will offer orientation for all board/committee members and advising/supporting department staff annually.

- Topics will include but are not limited to, review of Public Bodies Administrative Policy, Open Meetings Law, Public Records Law, applicable North Carolina General Statutes, conflicts of interest/ethics, and Robert's Rules of Order.
- c. Non-Appointed Applicants
- i. Applicants not appointed to a committee will be notified within seven (7) days of Town Council appointments.
 - ii. Applications will be maintained in an active status for one year following the initial receipt of application and will be included in the following recruitment process if the applicant is still interested in serving.
- d. Annual Training
- i. All committees will receive a training update and acknowledge the code of conduct and administrative policy annually.
 - ii. Lead department support staff will be responsible for notifying the Town Clerk of any violations of these policies within 48 hours of an occurrence. The Town Clerk will notify the Town Manager for further action.