



TOWN OF CHAPEL HILL
Communications & Public Affairs

405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

phone (919) 968-2743 *fax* (919) 967-8406
www.townofchapelhill.org

MEMORANDUM

To: Roger Stancil, Town Manager
From: Sabrina Oliver, Director Communications and Public Affairs
Date: April 8, 2010
Subject: Advisory Board Materials for Council Retreat

The following materials are being provided for the Council's April 10, 2010 Retreat.

- Excerpt from Council Procedures Manual
- Table of Enabling Legislation
- Table Comparison with other Municipalities
- Table Comparison Process for Board to Make Recommendations to Council
- Table Comparison Process for Orientation of Appointees

Excerpt of the Council Procedures Manual (Section II, A, B, D.6, E, and F)

II. COMMITTEES.

A. Council Committees.

The Council may, from time to time, establish committees or task forces made up of Council members, which may include other participants as well, for a specific task or project. In addition, the Mayor has historically established and appointed, on his or her own initiative, committees to provide to the Mayor recommendations and advice on Town matters.

The Council Naming Committee is the only standing Council committee (see Section III.D.)

B. Citizen Task Forces.

The Council may, from time to time, appoint a Citizen Task Force to examine and make recommendations on a specific issue. Such Task Forces have specific purposes and are of limited duration. They may or may not include one or more Council members or the Mayor. The Council may delegate the task of appointing members of a Task Force to the Mayor.

D. 6. General Procedures.

- a. Annual Report. Advisory boards and commissions shall report to the Council annually at the time most appropriate for the board.
- b. Orientation to Boards. The Town Manager or his/her designee is responsible for giving boards and commissions information on Town policies and procedures, including the purposes, powers and duties of each board, procedures for reporting to Council, attendance requirements and the boards' role in the appointment process.

E. Council Liaison to Boards and Commissions.

A Council member is frequently designated as a liaison to a particular board or commission. The main function of the liaison is communication. The liaison may apprise the board or commission of general Council purposes and may convey ideas and concerns from the board or commission to the Council.

Council liaisons are not voting members of any board or commission, inasmuch as such members might be faced with voting on an issue as a recommendation of

the board or commission, and then considering the report or recommendation of the board or commission in such member's capacity as a member of the Council.

Council liaisons may attend regular or special meetings of the advisory board or commission, but their regular attendance is not required.

The Council has instructed Council liaisons to report activities of their particular boards or commissions to the Council in the way the liaisons deem appropriate, once a year.

F. Nomination and Appointment Procedures.

1. Nomination and Appointment Process. (Resolution 85-R-29; amended by Resolution 89-1-23/R-9.)

In January of each year, the Town Clerk shall notify the Council and all Chairs of boards and commissions of those members of boards and commissions whose terms expire June 30. The Town Clerk shall advertise vacancies from February through April in a newspaper or newspapers of general circulation within the community and such other means as may be deemed effective, including, but not limited to, mailings to community organizations, public service announcements, and letters of invitation to citizens who have expressed interest throughout the year, and posting the advertisement for vacancies to the Town's website.

Beginning in March, the Town Clerk shall distribute to the respective boards and commissions the applications that have been received to date from eligible citizens wishing to serve. The Town Clerk will not forward applications to boards and commissions if the applicant's eligibility has not been determined. Upon verification of an applicant's eligibility the Town Clerk shall forward the application to the board or commission for consideration.

The Council requests that the boards and commissions review all applications and recommend candidates to the Council for each vacancy, unless the board or commission declines to do so. The board or commission's recommendation shall be submitted in writing to the Town Clerk no later than April 25. If a board or commission elects not to recommend applicants, it is requested that the board or commission notify the Town Clerk of this decision in writing by April 25. Notwithstanding recommendations from boards and commissions, the Town Clerk shall forward the names and applications of all eligible persons interested in appointment for the vacancy on a board or commission and the board or commission recommendations to the Council for its consideration. The Council may choose to not consider appointments without a recommendation from the board or commission.

Applications received after the Monday prior to the Council's regular business meeting at which nominations or appointments are scheduled shall be held until another vacancy occurs, thus allowing the Town Clerk to verify the applicant's eligibility and the board or commission to make a recommendation.

Mid-term vacancies shall be filled from applications on file without special advertising efforts unless requested by the Council. The board or commission shall submit a recommendation for these appointments to the Town Clerk no later than the Monday prior to the Council's regular business meeting at which appointments for the vacancy are scheduled, unless the board or commission declines to do so and notifies the Town Clerk in writing by the Monday prior to the Council's regular business meeting at which the vacancies are scheduled to be filled. The Council may choose to not consider appointments without a recommendation from the board or commission. Additional applications received after this time will not be considered until the next vacancy occurs.

All applicants for the board or commission shall be nominated by a resolution on the Consent Agenda. At the next regular meeting following nominations, the Council may make additional nominations and make appointments, provided that the applications of the nominees and recommendation of the board or commission have been distributed to the Council in the agenda packet for the meeting at which the appointments are scheduled. If possible, Council members are to mark and sign their ballots prior to the meeting, and forward them to the Town Clerk at any time prior to the start of the meeting. The Town Clerk will provide the results of the balloting at the appropriate time during the Council's meeting. If vacancies remain (applicants did not receive 5 or more votes), the Council may immediately hold further rounds of balloting to fill the vacancies, or may postpone filling these vacancies until the next regular meeting.

Beginning with the first regular meeting in May, and through the second regular meeting in June (four consecutive regular meetings of the Council), the Council may consider appointments to three or more boards and commissions per meeting.

2. Term Expirations.

All board and commission terms shall expire on June 30. However, members of boards and commissions may serve until their successors have been appointed.

3. Consecutive Terms.

No one shall serve on an advisory board or commission for more than two consecutive full terms. Following a one-year absence, an individual is eligible to serve again on the same board or commission. The Council may reappoint an individual to a board or commission for an additional one-year term following two consecutive terms, by resolution for the purpose of completing ongoing projects.

4. Oath of Office.

All members of standing boards or commissions must be sworn in by the Town Clerk or her designee and sign an Oath of Office prior to voting on matters before the board.

5. Ethics Guidelines.

All advisory board and commission members and applicants shall agree to comply with the following ethics guidelines adopted by the Council on March 1, 1999:

Ethics Guidelines for Town Advisory Boards and Commissions

Members of advisory boards and commissions shall not discuss, advocate, or vote on any matter in which they have a conflict of interest or an interest which reasonably might appear to be in conflict with the concept of fairness in dealing with public business. A conflict of interest or a potential conflict occurs if a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. Any member who violates this provision may be subject to removal from the board or commission.

If the advisory board or commission member believes he/she has a conflict of interest then that member should ask the advisory board or commission to be recused from voting. The advisory board or commission should then vote on the question on whether or not to excuse the member making the request. In cases where the individual member or the advisory board or commission establishes a conflict of interest, then the advisory board or commission member shall remove themselves from the voting area.

Any advisory board or commission member may seek the counsel of the Town Attorney on questions regarding the interpretation of these ethics guidelines or other conflict of interest matters. The interpretation may include a recommendation on whether or not the advisory board or commission member should excuse himself/herself from voting. The

advisory board or commission member may request the Town Attorney respond in writing.

6. Resignations.

Resignations shall be submitted in writing to the chair of the board or commission, who shall forward the original written resignation to the Town Clerk for Council notification.

7. Residence of Appointees.

- a. The Council's appointees to the following boards and commissions shall reside within the Town limits of Chapel Hill:

Bicycle and Pedestrian Advisory Board^a
 Board of Adjustment^b
 Chapel Hill Downtown Partnership^g
 Chapel Hill Public Arts Commission^e
 Community Design Commission^f
 Greenways Commission
 Historic District Commission^f
 Human Services Advisory Board
 Library Board of Trustees^b
 Orange Water and Sewer Authority^d
 Parks and Recreation Commission^b
 Personnel Appeals Committee
 Planning Board^b
 Public Housing Program Advisory Board^c
 Stormwater Management Utility Advisory Board^h
 Transportation Board

^a Note that the Town Council appoints one (1) representatives from the Town of Carrboro, one (1) representative outside the town limits of Chapel Hill from either Durham City/County or Chatham County, and one (1) representative from Orange County to this board. The University appoints one (1) representative of its bicycle management staff.

^b Note that the Orange County Commissioners also make appointments to these boards.

^c See II.D.2.g.(2) exception for Carrboro residents.

^d Note that the Orange County Commissioners and the Town of Carrboro also make appointments to this board.

^e Note that up to 40% (not more than six of 15) may come from persons residing outside of Chapel Hill.

^f Note that those residing within the planning jurisdiction may also be appointed.

^g See II.D.4.a.(2) exception downtown business and property owners.

^h See II.D.2.h.(2) for exceptions.

b. Ad hoc committees and task forces:

Appointees to ad hoc committees and task forces including but not limited to those listed below will generally be Town residents, but may include residents of surrounding areas.

In considering appointments to any board, committee or task force where the membership is not otherwise restricted by law or ordinance, the Council may appoint non-residents, not to exceed 40% of membership, to an ad hoc committee or task force by following the Council's normal procedure for voting on appointments.

8. Dual Membership.

An incumbent on a standing board, as listed in II.F.7.a, Residence of Appointees, shall not be considered for appointment to another standing board unless he or she resigns before filing an application, or is in the last six months of a term. Members of a standing board are eligible for appointment to an ad hoc committee or task force concurrent with their service on a standing board. Individuals may serve on multiple ad hoc committees or task forces concurrently.

9. Application File.

The Town Clerk shall keep applications on file through two spring appointment cycles. Applicants are encouraged to indicate on their applications if they wish to have their applications on file for a shorter period.

10. Applicants' Preference for Boards.

Applicants are strongly encouraged to apply for one board, but may apply for more than one if their preferences are ranked.

11. Full Term for Appointments to Vacancies Due to Resignations.

When a vacancy occurs before the scheduled end of a term, the person appointed to such vacancy shall serve a three-year term (four years for a seat on the Library Board of Trustees) plus any additional months necessary to have such term expire on June 30 if the vacancy occurs after January 1 but prior to June 30. For vacancies occurring before January 1 but after June 30, the three-year term shall continue from the previous July 1.

12. Leave of Absence.

Leaves of absence from boards shall be approved by the Council and shall not exceed five months. No interim appointments will be made.

13. Information on Composition of Membership.

At the meeting when board recommendations and applications are submitted to the Council, the Town Clerk shall give the Council a report on the race and gender composition of each board and commission. In addition, the application for membership on Town boards and commissions shall include a request for the applicant's occupation and avocation. The application form shall also include a statement encouraging interested applicants to visit a meeting of the board or commission they are interested in serving on.

14. Final Action.

Appointment: The Council shall consider and make appointments in an open meeting.

15. Voting.

a. Ballots.

The practice of the Council has been to vote by ballot when making appointments to boards and commissions. North Carolina Statute states the following regarding ballot voting: "If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the Office of the Town Clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed."

b. Procedure.

- (1) Ballots for appointments to boards and commissions shall be provided by the Town Clerk to the Council prior to a scheduled Council meeting, normally at the same time as distribution of the Agenda packet for that meeting. Two copies of each ballot will be provided.
- (2) Immediately prior to the start of the Council meeting, the Town Clerk will collect ballots from each Council member. Council members must sign their ballots. Ballots are to be folded once prior to delivery to the Town Clerk to ensure that votes remain private until the appropriate time for the votes to be announced. Ballots will not be available for viewing until after the results of the balloting have been announced by the Mayor, except that any Council member may request the return of his or her ballot as provided in (4) below.
- (3) The Town Clerk will tabulate the votes of each Council member, and report the results to the Mayor in writing. The Town Clerk will fold the tabulation once in order to keep the results of the balloting private. Once the Council has reached the point in the Agenda reserved for appointments, the Mayor will announce the results of the voting.
- (4) Should a Council member elect to revise a ballot he or she may do so at any time prior to the announcement by the Mayor of the results of the balloting, by retrieving the ballot from the Town Clerk.
- (5) Should a tie vote result, or if a candidate or candidates did not receive the necessary minimum five (5) votes, the Council may elect to vote a second time, or, to delay appointment(s) to a future Council meeting.

Table of Enabling Legislation

Board	By State	By Ordinance	By LUMO	By Resolution	Board Type
Bicycle and Pedestrian Advisory Board		Sec. 2-170			Standing
Board of Adjustment	GS 160A-388.		Sec. 8.3		Semi-Autonomous
Cemetery Advisory Board	GS 160A-349.1	Sec. 6-8			Standing
Chapel Hill Downtown Partnership				2004-04-14/R-17	Autonomous
Chapel Hill Public Arts Commission		Sec. 2-175			Standing
Community Design Commission	GS 160A-451 GS 160A-452		Sec. 8.5		Standing
Greenways Commission		Sec. 2-150			Standing
Historic District Commission	GS 160A-400.7		Sec. 8.4		Semi-Autonomous
Human Services Advisory Board		Sec. 2-120			Standing
Library Board of Trustees		Sec. 2-140			Standing
Orange Water and Sewer Authority	GS 162A-5	77-O-10			Autonomous
Parks and Recreation Commission	GS 160A-354	Sec. 12-16			Standing
Personnel Appeals Committee	GS 160A-165	Sec. 14-118			Appeals
Planning Board	GS 160A-387 GS 160A-361	Charter A 5.10	Sec. 8.2		Semi-Autonomous
Public Housing Program Advisory Board		Sec. 2-160			Standing

Board	By State	By Ordinance	By LUMO	By Resolution	Board Type
Stormwater Management Utility Advisory Board		Sec. 23-11			Standing
Sustainability Committee				2007-05-07/R-15, 2008-06-25/R-1, 2008-09-22/R-0.1	Standing
Transportation Board		Sec. 2-130		2003-10-08/R-8	Standing
Glen Lennox NCD Development Committee				2010-03-22/R-7	Ad-hoc Cmte
Inclusionary Zoning Task Force				(4-27-2005, #1) (2005-06-27/R-24) (2005-06-27/R-24.1a) (2005-06-27/R-24.1b) (2005-09-12/R-18) (2005-10-24/R-10), (1-9-2006 accepted more applicants by acclamation)	Ad-hoc Cmte inactive
Justice in Action Committee				(2005-01-10/R-16c) (6-12-2006, Item #14 approved by motion)	Ad-hoc Cmte
Library Building Committee				(2004-06-30/R-10)	Ad-hoc Cmte inactive
Sustainable Community Visioning Task Force				03/09/2009 #9 by acclamation	Ad-hoc Cmte

Table Comparison with other Municipalities

Jurisdiction	Interviews	By whom	Council Liaisons	No. of Council Members	Approx. No. of boards
Town of Cary	Yes	Staff liaison and chair of board	Yes	7	10
Town of Chapel Hill	Some	Advisory boards	Yes	9	36
City of Fayetteville	No, however, committee reviews applications that contain a questionnaire including relevant board questions.	Nominating Committee (4 Council members)	No	10	25
City of Durham	No, but able to come to a work session to introduce themselves if the applicant desires	Council Work Session	Yes	7	29
Town of Hillsborough	Yes	Both individual advisory boards to make a recommendation, and the Council prior to the vote.	No	6	9
Town of Kernersville	Yes	Nomination Committee (Mayor, 2 Council Members, Town Manager)	No	6	6
Orange County	No	NA	Unclear, reviewing process	7	41
City of Raleigh	No	NA	Yes	8	26
Town of Wake Forest	Introduction by applicant	Council Work Session	Yes	5	10

Table Comparison Process for Advisory Board to Make Recommendation(s) to Council

Board	Recommendation Process
Bicycle and Pedestrian Advisory Board	<ul style="list-style-type: none"> • Invited applicants, sometimes attend
Board of Adjustment	<ul style="list-style-type: none"> • Application review only
Cemetery Advisory Board	<ul style="list-style-type: none"> • Application review, invite applicants
Chapel Hill Downtown Partnership	<ul style="list-style-type: none"> • Interview applicants
Chapel Hill Public Arts Commission	<ul style="list-style-type: none"> • Public Art Administrator meets with applicants, encouraged to attend meetings, recruited applicants
Community Design Commission	<ul style="list-style-type: none"> • Application review only
Greenways Commission	<ul style="list-style-type: none"> • Invited applicants, sometimes attend, interview 1st or 2nd choice
Historic District Commission	<ul style="list-style-type: none"> • Review applications
Human Services Advisory Board	<ul style="list-style-type: none"> • Review applications, seek diversity (age, time of residence, race, etc) based on current membership
Library Board of Trustees	<ul style="list-style-type: none"> •
Orange Water and Sewer Authority	<ul style="list-style-type: none"> • Council Interview Committee
Parks and Recreation Commission	<ul style="list-style-type: none"> • Application review, invite applicants
Personnel Appeals Committee	<ul style="list-style-type: none"> • NA
Planning Board	<ul style="list-style-type: none"> • If not currently known by board, then invited to interview
Public Housing Program Advisory Board	<ul style="list-style-type: none"> • Chair calls applicant, in past applicants have been invited to meetings
Stormwater Management Utility Advisory Board	<ul style="list-style-type: none"> • Review apps, invite to meeting, informal interview,
Sustainability Committee	<ul style="list-style-type: none"> •
Transportation Board	<ul style="list-style-type: none"> • Invite applicants, some attend
Glen Lennox NCD Development Committee	<ul style="list-style-type: none"> • NA
Justice in Action Committee	<ul style="list-style-type: none"> •
Inclusionary Zoning Task Force	<ul style="list-style-type: none"> • NA
Library Building Committee	<ul style="list-style-type: none"> • NA
Sustainable Community Visioning Task Force	<ul style="list-style-type: none"> • NA

Table Comparison Process for Orientation of Appointees

Board	• Orientation provided
Bicycle and Pedestrian Advisory Board	• Staff meets with appointee, provide/review materials, get up to speed.
Board of Adjustment	• Staff/Attorney meets with appointee, provide/review materials, describe duties and expectations, and administer oath.
Cemetery Advisory Board	• Introduction at first meeting providing overview of basic information.
Chapel Hill Downtown Partnership	• With the previous Executive Director, a half day orientation session was provided
Chapel Hill Public Arts Commission	• Meet with appointee, provide/review materials, get up to speed
Community Design Commission	• Staff Orientation in Planning Department
Greenways Commission	• Staff offers to meet with applicant, go over current issues, meeting times, bylaws, greenway master plan and tour. Some appointees attend, others don't.
Historic District Commission	• Staff Orientation in Planning Department
Human Services Advisory Board	• Staff offers orientation, reviews charge and duties, provides key written materials from past year. Sometimes appointee accepts offer. Board chair gives overview at the first meeting.
Library Board of Trustees	•
Orange Water and Sewer Authority	• OWASA staff contact the appointee to welcome them and gather contact information, assign an email address and schedule a formal orientation with the Executive Director, General Counsel & other key OWASA staff. The orientation (about one to two hours) includes an overview of OWASA and the facilities and is followed up with tours of the facilities as desired by the new Board member.
Parks and Recreation Commission	• Introduction at first meeting providing overview of basic information. Invited to attend a Training session in April provided by the Recreation Resource Service (NC State). Invited to attend a Board Retreat in August with other Parks and Recreation and Greenways Boards throughout the State.
Personnel Appeals Committee	• Review procedures at the beginning of each appeal.
Planning Board	• Staff Orientation in Planning Department

Board	<ul style="list-style-type: none"> • Orientation provided
Public Housing Program Advisory Board	<ul style="list-style-type: none"> • Staff orients appointee individually, prior to a meeting view the new tenant video.
Stormwater Management Utility Advisory Board	<ul style="list-style-type: none"> • Currently, no orientation is being provided, support as needed.
Sustainability Committee	<ul style="list-style-type: none"> •
Transportation Board	<ul style="list-style-type: none"> • Currently, no orientation is being provided.
Glen Lennox NCD Development Committee	<ul style="list-style-type: none"> • NA
Justice in Action Committee	<ul style="list-style-type: none"> •
Inclusionary Zoning Task Force	<ul style="list-style-type: none"> • Group orientation at first meeting
Library Building Committee	<ul style="list-style-type: none"> • Group orientation at first meeting
Sustainable Community Visioning Task Force	<ul style="list-style-type: none"> • Group orientation at first meeting