Article I. Introduction
Section 1. These bylaws have been adopted by the Durham Parks and Recreation Advisory Commission (RAC) and shall supersede any bylaws previously in effect.

Section 2. The name of this advisory commission shall be the Recreation Advisory Commission.

Section 3. Mission Statement: The mission of the Recreation Advisory Commission (RAC) is to advocate for the Department of Parks and Recreation and the Durham Community.

Article II. Board Functions
The Commission shall act as an advisory commission and shall have the following functions.

a) To advise and make recommendations to the Parks and Recreation Director and the City Council for their approval as to rules, regulations, policies, administrative and budgetary matters pertaining to parks and recreation.

b) The Commission is an advisory body only and shall have no authority or responsibility to enforce regulations, rules, ordinances, or laws.

c) To promote community awareness and understanding of, and appreciation for, the value of parks and recreation as a resource contributing to the quality of life in Durham.

Article III. Membership
Section 1. The Board shall consist of nine (9) members appointed by the City Council.

   i. At least one of the nine appointed members shall be a person with a disability. Ordinance #10393 (refer to Article XI)

   ii. At least one of the nine appointed members shall be a Mayor’s Appointee.

Section 2. The City Clerk’s Office notifies appointees whose terms are expiring so that they may re-apply, if eligible and willing to serve.

Section 3. The Commission’s Staff Liaison is responsible for notifying the City Clerk’s Office when a member resigns or a vacancy exists for other reasons.

Article IV. Officers
Section 1. Elections - The Commission shall elect a Chair and a Vice-Chair who shall serve for a term of one year.

Section 2. Duties of the Chair: The Chair shall preside at all meetings of the RAC.

Section 3. Duties of the Vice Chair: The Vice-Chair shall act for the Chair in his/her absence.
Section 4. Election of officers shall occur at the February meeting each year.

Section 5. The elected officers shall assume office immediately upon election and shall serve for a period of one year.

**Article V. Meetings**

Section 1. Meetings shall be held as approved by the Board.

Section 2. All meetings shall be open to the public.

Section 3. A quorum of the Commission shall consist of five (5) voting members and no official action may be taken by the Commission on any matter unless a quorum is present. If a quorum is present and the early departure of a member results in the lack of a quorum, the member should notify the Chair of the need to depart early before the meeting starts.

Section 4. Meetings will be held on the second Wednesday of every month from 7:30 a.m. until 9:00 a.m. at the DPR Administrative Office.

Section 5. The Commission shall keep permanent minutes of its meetings. The minutes shall include the attendance of its members and its resolutions, findings, recommendations, and other actions.

Section 6. All boards, committees and commissions will submit a written report in review of the 12 months to the Council each year consisting of the following components: a) what was done that made a difference; b) the proposed plans and objectives for the upcoming 12-month period; and what type of resources (if any) may be needed in pursuing upcoming plans and goals, so that we are better able to anticipate future needs.

**Article VI. Attendance**

Section 1. Newly elected members shall attend the next regular meeting of the Commission after appointment.

Section 2. Regular attendance at meetings is required.

Section 3. Members of the Commission shall attend at least 50 percent of the meetings in a given 12-month period. It shall be the policy of the City Council to remove that appointee in the absence of his/her showing good cause, and to make another appointment.

Section 4. The City Clerk’s Office shall inform all commission appointees of this attendance policy.

Section 5. The City Staff Liaison is responsible for submitting an annual attendance report as requested by the City Clerk.
Section 6. An annual attendance report will be submitted to City Council. If showing that a member of a board has not complied with the attendance policy, the City Clerk shall notify the chair of the board in writing regarding the member’s lack of attendance. Further, when the subsequent attendance report submitted to Council shows that same member of the Commission has not complied with the attendance policy; the City Clerk shall notify the board member in writing that such member has been removed from the board.

Section 7. Commission Members who will be unable to attend a regular meeting of the Commission must contact the Chair and Staff Liaison at least twenty-four (24) hours before the scheduled meeting and indicate the general reason for being absent. Members who give less than 24 hours’ notice will be considered unexcused, with the exception of emergencies or sudden illnesses.

Section 8. Resignations: should a board member decide to resign, they must send their resignation to BCCResignations@durhamnc.gov

Article VII. Rules of Order

Section 1. The Commission’s bylaws shall be consistent with Durham city ordinance.

Section 2. Commission members shall adhere to the oath of office, and shall follow the rules which are based upon Robert’s Rules of Order.

- Main motions are used to bring business before the Commission for consideration and action.
  - Main motions require a second and may be adopted by majority vote.
  - A main motion may be made or seconded by any Board member, including the presiding officer.
  - A main motion is debatable and may be amended.
- Motions to amend are used to modify the wording and the meaning of a pending motion before the pending motion itself is acted upon.
  - A motion to amend, once seconded, is debatable and may be amended once.
  - Once a motion to amend has been seconded, it is decided before the main motion.
  - An amendment must be “germane”, i.e. it must involve the same questions raised by the main motion to which it is applied.
  - “Friendly” amendments acceptable to the maker and the seconder of the main motion do not require a second and are permissible at any time before a vote is taken on motions to amend the main motion.
Article VIII. Removal of Members

Section 1. A member of the Commission may be removed by the Council for any of the following reasons:

1. Violation of ethics, or conflict of interest
2. Moving out of the City of Durham
3. Non-payment of taxes
4. Non-attendance and unexcused absences

Article IX. Public Records

Section 1. All public boards receive and create public records while conducting regular business. You may also produce public records when you function in your official capacity as a board member. All board related communications are subject to public disclosure.

Section 2. A public record is information created or received whole conducting public business by any agency of North Carolina government or its subdivisions, including boards and commissions. Public records and public information are property of the people. You may review the law at: NC General Statute Chapter 132.

Section 3. Examples of public records are papers, photographs, videos, maps, emails, voicemail messages, instant messages and text messages. Email and text messages are public records when created by officials and employees for the purpose of conducting official City business. Your social media posts can also be considered public records.

Article X. Conflict of Interest / Ethics

Section 1. As a general rule, any member who has an interest in any act or action (direct or indirect) coming before the commission shall completely withdraw from any consideration of said act or action. Commission members shall refrain from taking part in actions that might reasonably call into question the impartiality and fairness of those decisions. All Commission members are subject to Resolution #8145 (Resolution Adopting Code of Ethics for the City of Durham and Requiring Public Officials to Disclose Certain Information).
RESOLUTION #8145

RESOLUTION ADOPTING CODE OF ETHICS FOR THE
CITY OF DURHAM AND REQUIRING PUBLIC OFFICIALS
TO DISCLOSE CERTAIN INFORMATION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM:

Section 1. The Code of Ethics set forth in Attachment A is hereby adopted by the City Council of the City of Durham.

Section 2. Definitions; Other Terms. The following terms, when used in the Code of Ethics, have the meanings indicated:

1. "Public official" means the Mayor, each member of the City Council, each member of a board, commission, authority, committee or similar entity appointed by the City Council and every City employee.

2. "Gift, favor or special privilege" means anything of value except:

a) Anything having a value of $50.00 or less (including food and drink consumed at a single sitting) - unless the receipt is prohibited by G.S. 133-32 (which regulates certain government procurement and contracting activities), or any other state or federal law.

b) Public events of any kind to which the public official is invited as a representative of the City unless otherwise barred by law.

c) Lawful campaign contributions.

3. "Financial advantage" means something which increases one's "financial interest" as that term is defined below.

4. "Financial interest" means a pecuniary interest in or a reasonably foreseeable benefit from public business matters to the public official or to a business or association owned by the public official or by whom the public official is employed. Financial interest does not include a pecuniary interest or reasonably foreseeable benefit that may accrue to the public official which is merely incidental to the public official's position, or which accrues to the public official as a member of a large class, occupation or profession, to no greater extent than the pecuniary interest or potential benefit could reasonably be foreseen to accrue to all other members of the large class, occupation or profession.

5. "Personal advantage" means something which increases one's "personal interest" as that term is defined below.
6. "Personal interest" means a pecuniary interest in or a reasonably foreseeable benefit from public business inuring to (i) a family member of the public official, (ii) a person unrelated by blood or marriage to the public official with whom the public official lives and shares a domestic partnership, and (iii) a business or organization with which the public official or a person described in (i) or (ii) is associated. Personal interest does not include a pecuniary interest or reasonably foreseeable benefit that may accrue to a person, business or organization identified in (i), (ii) or (iii) above which accrues to the person, business or organization as a member of a large class, occupation or profession, to no greater extent than the pecuniary interest or potential benefit could reasonably be foreseen to accrue to all other members of the large class, occupation or profession.

Section 3. Disclosure Statement. For the purposes of this Section 3, the term "public official" means the Mayor and members of the City Council. Within thirty (30) days of taking office, and on or before the following May 1 and on or before each May 1 annually thereafter, every public official shall file a written Disclosure Statement with the City Clerk. The Disclosure Statement shall be on a form to be provided by the City Manager. The City Manager shall include on the Form, information showing the annual compensation paid by the City to the Mayor and the Members of the City Council pursuant to the annual Budget Ordinance. The following information shall be disclosed by each public official:

1. The address or location of all real property within the City or County of Durham in which the public official owns any direct or indirect interest, including leasehold interests and options to purchase. The value of any property listed need not be disclosed.

2. The principal sources (but not the amounts) of income of the public official during the calendar year preceding the filing of the Disclosure Statement. For income received from business activities: the name, address and principal business activity of each source of income must be shown. The following need not be listed or disclosed:

(a) The amount of income received from any source.

(b) Compensation received from the City.

(c) Income received pursuant to a court order.

(d) Social security payments and other similar income received pursuant to any state or federal entitlement program.

(e) Any source of income which amounted to less than 10% of the gross income received by the public official during the preceding calendar year. "Gross income" is calculated in the same manner as gross income is calculated for federal income tax reporting purposes.
3. The name and address of any business entity or not for profit corporation of which the public official is an owner, officer or director. With respect to ownership, the name and address of a business entity in which the public official owns an interest of 10% or less need not be listed.

Section 4. Enforcement.

1. Jurisdiction for enforcing this resolution is as follows:

   (a) For violations of this resolution by the Mayor or a member of the City Council, jurisdiction lies with the City Council.

   (b) For violation of this resolution by a member of a board, commission, authority, committee or other similar entity appointed by the City Council, jurisdiction lies with the City Council.

   (c) For violations of this resolution by the City Manager, the City Clerk or the City Attorney, jurisdiction lies with the City Council.

   (d) For violations of this resolution by a subordinate of the City Manager, jurisdiction lies with the City Manager.

   (e) For violations of this resolution by a subordinate of the City Clerk, jurisdiction lies with the City Clerk.

   (f) For violations of this resolution by a subordinate of the City Attorney, jurisdiction lies with the City Attorney.

2. (a) The City Council may remove from office the Mayor or any member of the City Council for misfeasance, malfeasance, corruption, neglect of duty, or other misconduct in office pursuant to the provisions of Section 15(2) of the Charter of the City of Durham.

   (b) The City Council may sanction the Mayor or any member of the City Council for violations of this Resolution. Such sanctions may include, by way of example and not limitation, Resolutions of Censure for serious, flagrant or repeated violations of this Resolution; Resolutions or Letters of Reprimand for other violations; or Warning Letters for violations which are technical or inadvertent in nature.

   (c) The City Council may remove from office or sanction any member of a board, commission, committee or similar entity appointed by the City Council for violations of this Resolution.
(d) The City Council may remove or discipline the City Manager, City Clerk or City Attorney for violations of this Resolution pursuant to applicable law.

(e) The City Manager, City Clerk and City Attorney may remove or discipline subordinates for violations of this Resolution pursuant to applicable personnel rules and regulations.

3. The City Council may schedule such hearings, conduct such investigations and take such other actions as it deems appropriate when acting pursuant to this Section.

Section 5. This Resolution shall not be construed to prevent any board, commission, authority, committee or similar entity, one or more of the members of which are appointed by the City Council, from adopting stricter rules of ethics than those prescribed in this Resolution, nor shall this Resolution be construed to prevent the City Manager, City Clerk or City Attorney from prescribing stricter rules of ethics for their subordinates than those prescribed herein.

Section 6. This Resolution is effective upon passage and supersedes Resolution #3025.

This Resolution was approved by the Durham City Council on November 6, 1995.
Article XI. Amendments to Bylaws

Section 1. Amendments to these bylaws may be proposed by any member at any regularly scheduled Board meeting. Proposed amendments shall be voted upon at the next regularly scheduled Board meeting. Amendments must be approved by a majority of the voting members of the Board. No amendment shall be valid if objected to by the City Council.