

Durham
Environmental Affairs Board

Rules of Procedure

Effective April 13, 1992

Revised September 7, 2009

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Section 1. Introduction

1.1 Purpose

To establish procedures for organizing the business of the Durham City-County Environmental Affairs Board, hereafter referred to as the Board, in executing its duties and responsibilities.

1.2 General Rules

For procedures not covered by these rules, the Board shall follow the rules contained in the current edition of Robert's Rules of Order, Revised.

Section 2. Duties of the Board

The Board shall have the following duties:

1. To advise the Durham City Council and the Durham County Board of County Commissioners on environmental policy;
2. To educate the public and local officials on environmental issues;
3. To perform special studies and projects requested by the City and/or County on environmental questions;
4. To facilitate citizen participation in local government's consideration of matters involving the environment;
5. To study changes in environmental science, laws, and regulations and advise the City and County of its findings with respect to such changes;
6. To promote intergovernmental and public/private cooperation and coordination;
7. To perform such other duties as may be assigned to it from time to time by the City and/or County;
8. To adopt rules of procedure, for the orderly dispatch of its business;
9. To advise the Durham City Council and Board of County Commissioners as needed regarding special projects and tasks assigned by the governing bodies as well as other activities that they are working on;
10. On an annual basis the Chair of the Environmental Affairs Board will meet with the Joint City-County Planning Committee to report on past activities and to develop priorities for the upcoming year. The Joint City-County Planning Committee shall report to both elected bodies concerning those priorities.

The duties prescribed by this section shall be construed to facilitate the Board's advisory responsibilities. By way of example and not limitation, the Board may consider any and all topics related to environmental quality in Durham County, such as:

- Hazardous and radioactive materials management and disposal;
- Watershed protection;

- Groundwater and surface water protection;
- Erosion control;
- Storm water management;
- Air quality;
- Energy conservation;
- Pollution prevention;
- Solid waste management.

Section 3. Membership of the Board

3.1 Board Composition

- a. The Board shall consist of eleven (11) voting members and the seven (7) non-voting ex-officio members named in paragraph 3 of this section. The City Council of the City, (hereinafter "City Council") and the Board of Commissioners of the County, (hereinafter the "County Commissioners"), shall each have Five (5) appointments to the Board, and shall consider recommendations for appointment from the Joint City-County Planning Committee. However, neither the City Council nor the County Commissioners are bound to follow any recommendation for appointment which that Committee may make. The eleventh voting member shall be appointed by the Durham Soil and Water Conservation District Board of Supervisors.

To be eligible for appointment and to remain a member, a candidate shall be a resident of the jurisdiction, either City or County, of the governing board making the appointment, and shall, at the time of appointment and at all times thereafter, be and remain current in payment of their property taxes to the City and County. Employees of the City and County shall not be eligible for appointment to the Board in any event by any appointing authority. A voting member of the Board may be removed at any time, with or without cause, by the governing board which made the appointment.

- b. The eleven voting members of the Board shall be composed of individuals representing certain vocations or professions, and their appointments shall be divided among the appointing authorities as follows:

City Council	Law
	Water Resources
	Biological Sciences
	Solid and Hazardous Waste
	Energy
County Commissioners	Air Resources
	Public Health
	Engineering
	Public Policy
	Education and/or Communications

In the event that the pool of applicants representative of the identified categories is insufficient to fill any one of the categories, then the City and/or County may appoint individuals who have demonstrated expertise and/or experience in that category. If, after filling a position in a particular category in this manner, the pool of applicants is still insufficient to fill the categories allotted to them, then the City and County may each make one (1) at-large citizen appointment to the Board.

- c. Persons serving in the following positions shall serve as ex-officio members of the Board: (i) the City's Director of Water Resources; (ii) the City Engineer; (iii) the County Engineer; (iv) the Director of the County's Health Department; (v) the Director of City/County Planning; (vi) a Soil and Water District Conservationist; and (vii) the City Director of Sanitation. These members shall have no vote, and may appoint subordinates of their respective departments to serve in their places.

3.2 Terms of Office

- a. The term of a voting member shall be three years, provided however, in order to establish staggered terms, initial appointments shall be made as follows: three members shall be appointed to one year terms; four members shall be appointed to two year terms; and four members shall be appointed to three year terms. The length of the initial terms for each member shall be determined by lottery conducted by the City-County Planning Committee after the appointment is made.
- b. No member of the Board shall serve more than two consecutive three year terms. Any vacancy occurring shall be filled by appointment of the appointing authority for that position for the remainder of the unexpired term.
- c. The balance of an unexpired term longer than eighteen (18) months shall count as one term for the purposes of paragraph a. above.

Section 4. Officers

4.1 Chair

The Board Chair shall preside at all meetings and shall sign all documents relative to action taken by the Board. The Chair shall appoint committees as is deemed necessary. The Chair shall serve no more than two consecutive years.

4.2 Vice-Chair

In absence of the Chair, the Vice-Chair shall exercise the powers and perform the duties of the Chair. The Vice-Chair shall succeed the Chair in the event of a vacancy in that office.

4.3 Secretary

The Secretary shall keep the minutes of all meetings of the Board and oversee notification of Board members of meetings, and keeping the Rules of Procedure and other Board records in order.

4.4 Election of Officers

Officers shall be elected from the Board for one year terms. Newly elected officers shall officially take office at the subsequent regular meeting following their election. The election of officers shall occur at the June meeting of the Board. A majority of members present shall be necessary to elect officers.

4.5 Staff Support and Liaison

The City-County Planning Department shall provide staff for the Board as specified in the annual Planning Department Work Plan and Budget approved by the City and County. Staff shall be responsible for preparing notices and agendas for the Board's meetings and keeping the records of the Board, including records of members' attendance.

4.6 Vacancy

A vacancy in the office of the Chair shall be filled by the Vice-Chair for the balance of the unexpired term. In the event that another officer's appointment is terminated, a replacement shall be elected from the membership at the next regularly scheduled meeting following the announcement of termination.

Section 5. Meetings

5.1 Regular Meetings

Regular Board meetings shall be held on a monthly basis.

5.2 Special Meetings

The Chair may call a special meeting of the Board at any time by giving oral or written notice to all members in advance in compliance with North Carolina General Statutes Article 33C, Meetings of Public Bodies. Special meetings shall also be scheduled upon request of at least six (6) members of the Board. Notice of all meetings shall comply with Open Meetings laws.

5.3 Cancellation of Meetings

Whenever there is no business to come before the Board or one of its Committees, the Chair or Committee Chair may dispense with a regular meeting by giving notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.

5.4 Quorum

A quorum is necessary for the transaction of business at any meeting of the full Board. A quorum shall be defined as a majority of the currently seated voting members on the Board, not counting any vacant seats. A member who has withdrawn from a meeting

without being excused by a majority vote of the remaining members present shall be counted as present for the purpose of determining whether or not a quorum is present.

5.5 Vote

Each voting member on the Board shall have one vote. A simple majority vote of those members present shall be considered sufficient for conducting the Board's business. A failure to vote by a member who is physically present in the meeting room or who has withdrawn without being excused by a majority vote of the remaining members shall be recorded as a yes. To abstain from a vote, a member must state the reason for abstention and such reason must constitute a conflict of interest in order to be excused. Provision shall be made for communication of any dissenting viewpoints along with the Board's report or recommendation on any matter.

5.6 Conflict of Interest

A Board member must fully disclose any personal interests in any matters before the Board prior to taking part in any discussion, consideration, determination or vote; No Board member shall take part in any discussion, consideration, determination or vote concerning a property in which the Board member or a close relative (spouse, sibling, child or parent):

- a. Owns property within 1000 feet of the subject property; or
- b. Has a financial interest in any matter before the Board, including but not limited to, real or personal property, patents or copyrights, improvements or other interests.

A Board member may also be excused from taking part in any discussion, consideration, determination or vote concerning property in which a business associate or employer of the Board member:

- a. Owns property within 1000 feet of the subject property; or
- b. Has a financial interest in any matter before the Board, including but not limited to, real or personal property, patents or copyrights, improvements or other interests.

In addition, in situations that involve a non-profit or private organization for which a Board member is an officer, he or she may be excused from taking part in any discussion, consideration, determination or vote concerning said situation, which the Board member believes that he or she has a conflict of interest due to their dual involvement.

No Board member shall act in any way in relation to a matter before the Board which violates City of Durham Resolution No. 3025. This resolution is attached as Appendix A.

5.7 Open Meetings

Notice of all meetings shall comply with North Carolina General Statutes, Article 33C Meetings of Public Bodies. All regular and special meetings, public hearings, records and minutes of the Board and its Committees shall be open to the public unless otherwise

authorized by law. The Board shall communicate its consideration of any environmental topics to the Durham Planning Commission.

5.8 Attendance

A member who will be unable to attend a regular meeting of the Board must contact the Chair or the planning staff at least twenty-four (24) hours before the scheduled meeting and indicate the general reason for being absent. Earlier notification is encouraged. The Board will be notified of the absence and reason at the meeting.

Any member who has three unexcused absences within a one year period of time, may forfeit the remainder of his or her term on the Board. When the Board finds that a member has had three unexcused absences, it shall so notify the body that appointed the member.

When a member has had a total of five absences within a one year time period, (including excused or unexcused), the Secretary shall notify the Board of that fact. The Board may review the attendance record of the member and take appropriate action. Appropriate action may include notifying the body that appointed the member of his or her attendance record.

Section 6. Committees

6.1 Nomination Committee

A Nomination Committee shall be appointed by the Chair prior to the meeting and shall prepare a slate of officers to serve the Board for the following year.

6.2 Executive Committee

An Executive Committee, comprised of the Officers, shall meet at least quarterly to plan for upcoming issues and topics as well as following up on existing projects or resolutions of the Board.

6.3 Committees

The Board may create such Standing or Ad-Hoc committees as it may deem necessary to promote the objectives and carry on the work of the Board. Each Committee shall have at least two members from the Board, and membership shall be voluntary. The Chair of the Board shall be responsible for selecting a Chair for each Committee. Either the Committee Chair or the Chair of the Board may request additional members, or other interested citizens with special knowledge and/or expertise to serve as adjunct members, to participate in work of the Committees.

Regular attendance at committees is strongly encouraged. Committee members who will be unable to attend a Committee meeting should notify the Chair of that Committee as soon as possible.

Section 7. Amendments

Amendments to these Rules of Procedure may be proposed to the Board at any meeting at which a quorum is present, provided that the notice of the proposed amendment

shall be given to each member of the Board at least ten days prior to said meeting. These Rules of Procedure shall be sent to the governing boards of the City and County as a matter of information.

Adopted by the Durham City-County Environmental Affairs Board: September 12, 1991

Approved by County Board of Commission: April 13, 1992

Approved by City Council: April 6, 1992

Revised by the Durham City-County Environmental Affairs Board: September 7, 2009

**Appendix A. Resolution #3025
Resolution Adopting a Statement of Principles
For the City of Durham**

Be It Resolved by the City Council of the City of Durham:

Section 1. The following Statement of Principles is hereby adopted by the City Council of the City of Durham:

Statement of Principles

- I. It is the obligation of every public official and employee to support the Constitution of the United States and the Constitution of the State of North Carolina.
- II. The laws of the Nation and State and the ordinances and policies of the City of Durham shall be impartially administered.
- III. Every citizen shall receive a fair and impartial hearing on any matter coming before the City Council, its appointed agencies or any employee of the City.
- IV. The conduct of public business shall be free of any hidden personal or financial interest of any public official or employees since the use of public trust for private gain is inimical to good government.
- V. Every public official shall make full and timely disclosures of any personal or financial interest which he has in any matter of public business to be transacted before him.
- VI. The conduct of public business shall be free of any influence arising from gifts, favors or special privileges.
- VII. It is the obligation of every public official and employee to carry out the lawful orders and policies of the City Council.

Section 2. This Statement of Principles applies to members of the City Council, persons appointed to public office or positions by the City Council and all employees of the City of Durham.

Section 3. This Resolution superseded Resolution Number 1648 entitled "Resolution Adopting Code of Ethics for the City of Durham," which was adopted by the City Council on July 16, 1973.

Adopted: April 6, 1981