REQUEST FOR BOARD ACTION

ITEM NO. 13.

DATE OF MEETING: September 20, 2010

REQUESTED BY: Chairman Tate

SHORT TITLE: Resolution Reactivating the Pender County Human Relations Commission

BACKGROUND: Chairman Tate has requested the Board consider reactivating a Human Relations Commission for Pender County. Since it has been a period of many years since the Commission was active, updating of the by-laws is recommended and proposed for consideration. The Board of Commissioners may also consider moving forward with advertising for new appointments.

A copy of the existing by-laws is attached, along with a draft updated by-laws. The major updates include: amending the name of the commission; reducing the size from 16 to 7 members; and amending the purpose and duties to reflect a broad scope of issues.

SPECIFIC ACTION REQUESTED: To consider a resolution to reactivate the Pender County Human Relations Commission; to review and adopt recommended updates to the existing by-laws and structure; and to authorize advertisement for appointments.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

MB
Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the Board hereby reactivates the Pender County Human Relations Commission; adopts the recommend updates to the existing by-laws and structure; and authorizes advertisement for appointments. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED_____ SECONDED_____

APPROVED_____ DENIED_____UNANIMOUS

YEA VOTES: Tate___ Blanchard ___ Brown ___ Rivenbark ___ Williams ___

_____ 9/20/10
Jimmy T. Tate, Chairman Date

_____ 9/20/10
ATTEST Date

Proposed By-Laws

COUNCIL ON COMMUNITY AFFAIRS

ARTICLE I
Name of Council

The organization shall be named the Pender County Council on Community Affairs (hereinafter referred to as CCA).

ARTICLE II
Service Area

This organization's membership shall be appointed by the Pender County Board of Commissioners. They shall serve the people residing, working or conducting business in Pender County.

ARTICLE III
Office

The principal office of the organization shall be in Burgaw, North Carolina.

ARTICLE IV
Purpose

Section 1. Purpose:

The purpose of the CCA is to facilitate and promote communication, conflict resolution, understanding, leadership, and opportunity for all citizens in the Pender County community regardless of socioeconomic, geographical, or demographical differences.

Section 2. Duties:

(a) To serve in an advisory capacity to the Board of Commissioners on matters involving community relations and issues of importance to Pender County, such as but not limited to, leadership development, youth, senior citizens, housing, recreation, public health and wellness, and economic opportunity.
(b) To create a forum to facilitate and promote open public discussion and resolution of issues related to those stated above which are significant for enhancing the quality of life in Pender County.
(c) To stimulate and sustain meaningful and open channels of communication among all citizens in Pender County.
(d) To conduct studies and research into matters involving community relations and issues of importance to Pender County.
(e) To sponsor educational forums, meetings and programs that educate and promote community relations and opportunity for the citizens of Pender County.
(f) To develop and recommend strategies to the Board of Commissioners for matters related to community relations.
(g) To prepare an annual report to the Board of Commissioners, due by September 1st of each year for the preceding fiscal year, describing the objectives, programs, activities and accomplishments of the Council.

Section 3. Authority:

(a) The CCA may make expenditures, enter into contracts and agreements with the approval of the Board of Commissioners, provided the respective obligations, contracts or expenditures meet all legal requirements,will not exceed the unexpended funds remaining in the respective line item of the CCA's budget. No personnel shall be hired or paid by the CCA unless the individual and compensation is approved by the Board of Commissioners.

(b) The CCA shall cause a comprehensive annual report to be prepared describing the objectives, programs, activities and accomplishments of the Council. This report shall be prepared as of June 30th of each year

for the previous year and shall be submitted to the Board of Commissioners by September 1st of each year. The form and content of the report shall be determined by the CCA, subject to the right of the Board of Commissioners at any time to require a report containing any information on any subject in any format it may designate. Special reports and recommendations can be made to (or requested by) the Board of Commissioners as the need arises in the judgment of the CCA or at the specific request of the Board of Commissioners.

ARTICLE V
Membership

Section 1. Membership:

The membership of the Council shall be citizens of Pender County, and shall be appointed by the Pender County Board of Commissioners.

Section 2. Appointments:

The appointments shall consist of seven (7) members. The members shall consist of one (1) member from each Commissioner's district and two at-large members from within the County. The members shall represent a diverse population relative to demographic, socioeconomic, and geographical composition.

Section 3. Terms:
The initial Council members shall be appointed for the following terms:

Two (2) members for one (1) year;

Two (2) members for two (2) years;

Three (3) members for three (3) years;

Thereafter, members will be appointed for three (3) year terms. No member shall serve for no more than three (3) consecutive terms or ten (10) years total. Any vacancy shall be filled for the unexpired term by the Pender County Board of Commissioners.

Section 4. Removal:

In the event any member shall fail to attend three consecutive meetings, the same shall constitute an involuntary resignation by said member. The CCA shall promptly notify the Board of Commissioners of all resignations (whether voluntary or involuntary) and other vacancies on the CCA, and such vacancy shall be filled for the unexpired term by the Board of Commissioners.

Section 5. Service; Compensation:

Notwithstanding any of the language set out above, all members shall serve at the pleasure of the Board of Commissioners of Pender County. Members of the Council shall receive no compensation for their services.

ARTICLE VI
Meetings of the Council

Section 1. Regular Meetings:

The CCA shall hold regular meetings no less than on a bi-annual basis. The regular meeting date and time shall be determined by the CCA, and all members will be notified in writing at least five (5) days in advance. All meetings shall be open to the general public except those authorized by law to be in closed session.

Section 2. Special Meetings:

Special meetings of the CCA may be called by the Chairman, Vice-Chairman or any three (3) members of the Council. The purpose of the meeting shall be stated in the written or telephone notice. All members must be notified within forth-eight (48) hours of the scheduled meeting and no other business shall be transacted during the called meeting.

Section 3. Quorum:

A quorum of the CCA shall consist of a majority of the members of the Council. No proxies shall be allowed.

Section 4. Format of Meeting:

All meetings shall be conducted in accordance with Robert's Rules of Order.

ARTICLE VII
OFFICERS

Section 1. Specified:

The officers of the CCA shall be a Chairman, Vice Chairman, and Secretary.

Section 2. Chairman:

The Chairman shall preside at all meetings of the CCA. He/she shall have and exercise general charge and supervision of the affairs of the CCA and shall perform such other duties as may be assigned by a majority vote of the CCA. The Chairman or his/her designate shall be an ex-officio member of all committees.

Section 3. Vice-Chairman:

The Vice Chairman shall assist the Chairman in the execution of his/her duties as assigned; and in the absence of the Chairman, the Vice Chairman shall assume the duties of the Chairman.

Section 4. Secretary:

The Secretary shall be responsible for such books, documents and reports as necessary or requested by the Chairman or CCA; responsible for recording the minutes of all meetings, regular, special, executive board and annual. Such books shall be open for inspection as prescribed by law. The Secretary shall, in general, perform all duties associated with the office of Secretary subject to the control of the CCA.

ARTICLE VIII
ELECTION OF OFFICERS

Section 1. Officers' Election:

The election of officers for the CCA shall be held annually at the last meeting of the County fiscal year.

Section 2. Eligibility:

Only members appointed by the Pender County Board of Commissioners shall vote and hold office in the organization.

Section 3. Nominations:

The Chairman shall appoint a Nominating Committee. If appointed, the members shall be ratified by the CCA in regular or special meeting. The Nominating Committee shall be composed of three (3) members. The Nominating Committee shall present a slate of officers one month prior to the election.

Section 4. Additional Nominations:

Additional nominations may be made upon petition from the floor after the Nominating Committee report, but before adopted for each officer presented.

ARTICLE IX
OTHER COMMITTEES

Section 1. Committees:

The Chairman of the CCA shall appoint such committees as deemed necessary by the Chairman of the CCA to implement the goals, purposes, objectives and duties of the CCA.

Section 2. Executive Committee:

There shall be an Executive committee which shall consist of the officers of the CCA. The Committee may act for the CCA between regular meetings of the CCA, and such actions taken will be subject to the ratification by two-thirds of a quorum at its next regular meeting.

Section 3. Call Meetings:

The Executive Committee shall meet at the call of the Chairman or any two (2) officers of the committee.

Section 4. Other Committees:

There shall be other committees necessary to meet the goals, purposes and objectives of the CCA.

Section 5. Performance of Duties:

Each committee appointed or elected shall perform its duties, in the specific area assigned, within the broad structure of Article IV, Section 2 of these by-laws. All recommendations of special committees not resolved by said committee shall be presented to the CCA in regular or special meeting before presentation to the Board of Commissioners.

ARTICLE X
GENERAL PROVISIONS

Section 1. Limitations:

The CCA will act primarily in an advisory capacity to the Pender County Board of Commissioners.

Section 2. Funding:

The CCA may prepare and present to the Board of Commissioners an estimate of its monetary requirements until the end of the current fiscal year showing in detail the various purposes for which the money will be needed. The Board of Commissioners, after making such modifications as they see fit, may approve a final budget for the CCA until the end of the current fiscal year and may appropriate funds sufficient to meet such budget. Thereafter, the CCA shall annually (on or before March 1) file with the County Manager an estimate of its requirements for the ensuing year,

an annual financial report for the past year, and other such information as such official may need in connection with his presentation to the Board of Commissioners of the budget estimated required by law.

ARTICLE XI
AMENDMENTS

These by-laws may be amended by submission of the proposed amendment to the Chairman or Secretary at least then (10) days prior to a regular meeting. The amendment shall be approved by a vote of two-thirds of a quorum and the approval of the Pender County Board of Commissioners.

Current By-Laws

APPENDIX D

BYLAWS OF BOARDS, COMMITTEES, COMMISSIONS*

Ch. I. Human Relations Commission, Arts. I—IX
Art. I. Name, Service Area and Office, §§ 1—3
Art. II. Goal, Purpose/Objective, Duties and Authority of Commission, §§ 1—4
Art. III. Membership, §§ 1—6
Art. IV. Meeting of Commission (HRC), §§ 1—4
Art. V. Officers, §§ 1—4
Art. VI. Election of Officers, §§ 1—4
Art. VII. Other Committees, §§ 1—5
Art. VIII. General Provisions, §§ 1, 2
Art. IX. Amendments
Ch. II. Keep America Beautiful Board, Arts. I—V
Art. I. Authority and Purpose of the Board, §§ I, II
Art. II. Organization and Structure of the Board, §§ I—III
Art. III. Meetings, §§ I—IV
Art. IV. Committees, §§ I—III
Art. V. Amendments to By-Laws, Rules and Regulations, § I

CHAPTER I. HUMAN RELATIONS COMMISSION†

ARTICLE I. NAME, SERVICE AREA AND OFFICE

Section 1. Name:

The organization shall be named the Pender County Human Relations Commission. (Hereinafter referred to as HRC)

Section 2. Service Area:

This organization's membership shall be appointed by the Pender County Board of Commissioners. They shall serve the people residing, working or trading in Pender County.

Section 3. Office:

The principal office of the organization shall be in Burgaw, North Carolina.

***Cross references**—Administration, Ch. 2; boards, committees, commissions, § 2-26 et seq.

†**Editor's note**—Printed herein are the bylaws of the human relations commission. Obviously misspelled words have been corrected without notation. Words added for clarification have been added in brackets. Amendments have been included and are indicated by a history note immediately following the amended section.

Cross reference—Human relations, § 2-46 et seq.

ARTICLE II. GOAL, PURPOSE/OBJECTIVE, DUTIES AND AUTHORITY OF COMMISSION

Section 1. Goal:

It shall be the goal of the HRC to facilitate the prevention and/or resolution of problems in areas affecting the human relations of all citizens residing, working or trading in Pender County.

Section 2. Purpose and/or Objective:

(a) To encourage understanding and good will between all citizens regardless of race, sex, religion, creed, nationality, or economic status, and thus promote the general welfare of our County.

(b) To identify concerns within the County which could jeopardize the welfare of the County.

(c) To promote peace, understanding, respect, good will and harmony among all citizens.

(d) To act as an impartial public forum to the end that there will be better communications between all segments of our County.

Section 3. Duties of Commission (HRC):

(a) To report to and to recommend to the Board of Commissioners measures designed to promote the welfare of the County.

(b) To act as a public forum in hearing complaints involving racial tension or discrimination, and bring those concerned with these complaints together to discuss the facts and to assist in complaint resolution.

(c) To develop an atmosphere conducive to the best possible human relations, and to conduct studies and suggest areas of concern such as problems related to senior citizens, youth, job opportunities, housing, recreation facilities, Police protection and other areas that may be developed as a consequence of research and consideration by HRC; and recommend such action to the Commissioners it feels is necessary and may be lawfully taken to minimize areas of conflict and to promote harmonious relations.

(d) To provide open channels of useful communication between and among various racial, religious, ethnic and economic groups, and between such groups whereby misunderstanding and wide differences leading to conflict may be resolved.

(e) To institute and conduct educational programs to promote fairness and courtesy in dealings between all people, regardless of their economic background and status.

(f) To sponsor meetings, forums, etc., concerning human relations to receive input from citizens of every class and group in order to obtain concerns of the citizens and to impart a clearer understanding of Commission goals.

(g) To impart through programs, meetings, forums, etc. the true meaning of responsible citizenship in our County and the obligations inherent in being a good citizen; all this, with the end view of contributing in a helpful way to the reaching of a fair and just solution of the problems in the field of human relations.

(h) To act as an impartial public forum to the end that there will be better communications between all segments of the County.

(i) The Commission may sponsor meetings or forums intended to lead all citizens to a clearer understanding of the true meanings of responsible citizenship in the County, of the obligations inherent in being a good citizen, and of the need for mutual understanding and respect by all citizens for each other.

(j) The Commission shall have the authority to create and devise plans for recommendations to the Pender County Board of Commissioners.

Section 4. Authority of Commission (HRC):

(a) The Commission may make expenditures, enter into contracts and agreements with the approval of its Governing Body, provided the respective obligations, contracts, or expenditures meet all legal requirements, will not exceed the unexpended funds remaining in the respective line item of the Commission's budget, and will not be binding on the government. No personnel shall be hired or paid by the Commission unless (the individual proposed is) approved by the County Commissioners.

(b) The Commission shall cause a comprehensive annual report to be prepared describing the objectives, programs, activities and accomplishments of the commission. This report shall be prepared as of June 30th of each year for the previous year and shall be submitted to the Board of Commissioners by September 1st of each year. The form and content of the report shall be determined by the Commission, subject to the right of the Pender County Commissioners at any time to require a report containing any information on any subject in any format it any [may] reasonable designate. Special reports and recommendations can be made to (or requested by) the Pender County Commissioners as the need arises in the judgment of the Commission or at the specific request of the Pender County Commissioners.

ARTICLE III. MEMBERSHIP

Section 1. [Members to be Citizens:]

The membership of the HRC shall be citizens officially appointed by the Pender County Board of Commissioners.

Section 2. [Composition:]

The appointments shall consist of sixteen (16) members. The members shall consist of two (2) members from each Commissioner's district and one (1) representative or designee from each municipality within the County.

Section 3. [Terms:]

The initial Commission members shall be appointed for the following terms:

Four (4) members for one (1) year;

Four (4) members for two (2) years;

Four (4) members for three (3) years;

Four (4) members for four (4) years;

Thereafter, members will be appointed for three (3) year terms.

Section 4. [Removal:]

In the event any member shall fail to attend three consecutive meetings (without just cause), the same shall constitute an involuntary resignation by said member. The Commission shall promptly notify the Pender County Commissioners of all resignations (whether voluntary or involuntary) and other vacancies on the Commission, and such vacancy shall be filled for the unexpired term by the Pender County Commissioners.

Section 5. [Maximum Tenure:]

No person shall serve more than two (2) consecutive three-year terms.

Section 6. [Service at Pleasure of Commissioners; Compensation:]

Notwithstanding any of the language set out above, all members shall serve at the pleasure of the Board of Commissioners of Pender County. Members of the Commission shall receive no compensation for their services.

ARTICLE IV. MEETING OF COMMISSION (HRC)

Section 1. Regular Meetings:

The HRC shall hold regular meetings, usually on a monthly basis. The regular meeting shall be determined by the Commission and all members will be notified in writing, at least five (5) days in advance. All meetings shall be open to the general public except those authorized by law to be in executive session (e.g., those considering action necessary to deal with a riot or civil disorder or with conditions that indicate that a riot or civil disorder is imminent).

Section 2. Special Meetings:

Special meetings of the HRC may be called by the Chairman, Vice-Chairman or any three (3) members of the HRC. The purpose of the meeting shall be stated in the written or telephone notice. All members must be notified within forty-eight (48) hours of the scheduled meeting and no other business shall be transacted during the called meeting.

Section 3. Quorum:

A quorum of the HRC shall consist of a majority of the members of the Commission. No proxies shall be allowed.

Section 4. Format of Meeting:

All meetings shall be conducted in accordance with Robert's Rules of Order.

ARTICLE V. OFFICERS

Section 1. [Specified:]

The officers of the HRC shall be a Chairman, Vice Chairman, and Secretary.

Section 2. Chairman:

The Chairman shall preside at all meetings of HRC. He/she shall have and exercise general charge and supervision of the affairs of the HRC and shall perform such other duties as may be assigned by a majority vote of the HRC. The Chairman or his/her designate shall be an ex-officio member of all committees.

Section 3. Vice Chairman:

The Vice Chairman shall assist the Chairman in the execution of his/her duties as assigned; and in the absence of the Chairman, the Vice Chairman shall assume the duties of the Chairman.

Section 4. Secretary:

The Secretary shall be responsible for such books, documents and reports as necessary or requested by the Chairman or HRC; responsible for recording the minutes of all meetings, regular, special, executive board and annual. Such books shall be open for inspection as prescribed by law. The Secretary shall, in general, perform all duties associated with the office of Secretary subject to the control of the HRC.

ARTICLE VI. ELECTION OF OFFICERS

Section 1. Officers' Election:

The election of officers for the HRC shall be held annually at the last meeting of the County fiscal year.

Section 2. Eligibility:

Only members appointed by the Pender County Board of Commissioners shall vote and hold office in the organization.

Section 3. Nominations:

The Chairman and/or Body shall appoint or elect a Nominating Committee. If appointed, the members shall be ratified by HRC in regular or special meeting. The Nominating Committee shall be composed of four (4) members. The Nominating Committee shall present a slate of officers one month prior to the election.

Section 4. Additional Nominations:

Additional nominations may be made upon petition from the floor after the Nominating Committee report, but before adopted for each officer presented.

ARTICLE VII. OTHER COMMITTEES

Section 1. Committees:

The Chairman of HRC shall appoint such committees as deemed necessary by the Chairman of HRC to implement the goals, purposes, objectives and duties of HRC.

Section 2. Executive Committee:

There shall be an Executive Committee which shall consist of the officers of HRC. The Committee may act for the HRC between regular meetings of HRC, and such actions taken will be subject to the ratification by two-thirds of a quorum at its next regular meeting or a poll vote of two-thirds of HRC membership.

Section 3. [Call Meetings:]

The Executive Committee shall meet at the call of the Chairman or any two (2) officers of the committee.

Section 4. Other Committees:

There shall be other committees necessary to meet the goals, purposes and objectives of HRC.

Section 5. [Performance of Duties:]

Each committee appointed or elected shall perform its duties, in the specific area assigned, within the broad structure of Article II, Section 3 of these by-laws. All recommendations of special committees not resolved by said committee shall be presented to the HRC in regular or special meeting before presentation to the Governmental Body.

ARTICLE VIII. GENERAL PROVISIONS

Section 1. Limitations:

The HRC will act primarily in an advisory capacity to the Pender County Board of Commissioners.

Section 2. Funding:

The Commission may prepare and present to the Governing Body an estimate of its monetary requirements until the end of the current fiscal year showing in detail the various purposes for which the money will be needed. The Governing Body, after making such modifications as they see fit, may approve a final budget for the Commission until the end of the current fiscal year and may appropriate funds sufficient to meet such budget. Thereafter, the Commission shall annually (on or before March 1st) file with the County Administrator an estimate of its requirements for the ensuing fiscal year, an annual financial report for the past year, and such other information as such official may need in connection with his presentation to the Governing Body of the budget estimate required by law.

ARTICLE IX. AMENDMENTS

These by-laws may be amended by submission of the proposed amendment to the Chairman or Secretary at least ten (10) days prior to a regular meeting. The amendment shall be approved by a vote of two-thirds of a quorum and the approval of the Pender County Board of Commissioners.

CHAPTER II. KEEP AMERICA BEAUTIFUL BOARD*

ARTICLE I. AUTHORITY AND PURPOSE OF THE BOARD

Section I. AUTHORITY:

The Authority and powers of the Board of Directors of Keep America Beautiful-Pender County (hereinafter referred to as "Board") are contained in RESOLUTION _____ signed by _____, Chairman, on _____.

Section II. PURPOSE:

The purpose of the Board is to review and recommend rules and regulations related to County ordinances which are designated to conduct a continuous education program; to

*Editor's note—Printed herein are the bylaws of the Keep America Beautiful Board. Obviously misspelled words have been corrected without notation. Words added for clarification have been added in brackets. Amendments have been included and are indicated by a history note immediately following the amended section.

Cross reference—Keep America Beautiful Board, § 2-91 et seq.