

# **ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS ADVISORY BOARD POLICY**

## **SECTION I: SCOPE**

### **A. Purpose**

1. To establish a policy and procedures whereby the Orange County Board of Commissioners will make appointments to public advisory boards, committees, commissions, and councils (hereinafter “advisory boards”).

### **B. Authority**

1. North Carolina General Statute 153A-76 grants boards of county commissioners the authority to establish advisory boards.
2. The Orange County Board of Commissioners may establish rules and regulations in reference to managing the interest and business of the County.
3. The Orange County Board of Commissioners has the responsibility to appoint residents to serve as members of advisory boards established by the Commissioners.
4. Orange County department directors and staff are responsible for providing support to the advisory boards.

### **C. Policy and Periodic Review**

1. This Advisory Board Policy establishes some parameters for:
  - a. Appointments to state-mandated, regional, and/or county-developed advisory boards.
  - b. Removals from such advisory boards.
  - c. Quorum and voting standards.
  - d. A code of general conduct for advisory board members.
  - e. Other aspects of advisory board service the Orange County Board of Commissioners wishes to address.
2. Periodic Review
  - a. Periodic review of this Advisory Board Policy will be conducted every five (5) years by the Orange County Board of Commissioners.
  - b. This Advisory Board Policy may be changed or adjusted as deemed necessary by the Orange County Board of Commissioners regardless of whether it is scheduled for a review.

### **D. Applicability**

1. To the extent it does not conflict with the statute or ordinance creating a specific advisory board, where applicable, this Advisory Board Policy applies to the following Orange County advisory boards, policies, commissions, and councils:
  - a. Adult Care Home Community Advisory Committee
  - b. Advisory Board on Aging
  - c. Affordable Housing Advisory Board
  - d. Agricultural Preservation Board
  - e. Animal Services Advisory Board
  - f. Arts Commission
  - g. Commission for the Environment

- h. Economic Development Commission
- i. Historic Preservation Commission
- j. Human Relations Commission
- k. Nursing Home Community Advisory Committee
  - l. Orange County Parks and Recreation Council
- m. Orange County Planning Board
- n. Orange Unified Transportation Board
- o. Visitor's Bureau

2. Except as otherwise provided herein or through a specific advisory board policy this Advisory Board Policy shall control the appointment, reporting, operation and other requirements of the advisory boards listed above except to the extent the same are controlled by a specific statute or ordinance. In those cases, as noted above, where a statute or ordinance controls the requirements of the advisory board and the terms of this Advisory Board Policy conflict with the terms of the statute or ordinance the statute or ordinance shall prevail.
3. Although not advisory boards the Board of Adjustment, Board of Equalization and Review, and Animal Services Hearing Panel shall comply with the terms of this Advisory Board Policy to the extent those boards are specifically addressed herein.

## **SECTION II: DUTIES**

### **A. Community Contact**

1. Advisory boards, through their membership and subcommittees, shall maintain contact with stakeholder groups. In this manner, the advisory board is kept apprised of current information related to matters under the jurisdiction of Orange County.

### **B. Primary Responsibilities**

1. Individual advisory boards shall maintain awareness of their goals and objectives as those goals are related to the Orange County Board of Commissioners' adopted overall goals and objectives for Orange County.
2. All actions or recommendations of the advisory board shall be communicated to the Orange County Board of Commissioners as provided herein.

## **SECTION III: MEMBERSHIP**

### **A. Authority**

1. North Carolina General Statute 153A-76 grants boards of county commissioners the authority to establish advisory boards and to appoint members to and remove members from those advisory boards. In acting on this authority the Orange County Board of Commissioners hereby establishes certain general conditions to which applicants and members of advisory boards should conform.
  - a. All members of standing, statutory boards must meet the qualifications for the specific statutory requirements for an appointed position.
  - b. All boards members must be eighteen (18) years of age or older unless applying for a youth-designated position.

- c. All board members shall be residents of Orange County and shall maintain their domicile in Orange County unless they are under eighteen (18) years of age and applying for a youth-designated position. The Clerk shall confirm applicants are residents of Orange County and maintain their domicile in Orange County.
  - i. Domicile is defined as one's permanent established home as distinguished from one's temporary although actual place of residence.
- d. All board members shall have good reputations for integrity and an interest in community service.
- e. No nominee to a board shall be currently employed by Orange County government and serve on a board that directly affects their work.
- f. No nominee may currently be a party to or be the actual legal representative in litigation against Orange County. The Clerk shall confirm nominees are not involved in such litigation.
- g. Each nominee must be prepared and committed to participate in advisory board work in a manner that enhances relationships between the county and the community.
- h. Advisory board members shall owe no outstanding taxes at the time of appointment.
- i. All board members are representatives of the Orange County Board of Commissioners and shall conduct themselves, both in their official actions and personal actions so as to be above reproach in their conduct and shall not bring disrepute to either the County or the Commissioners.
- j. The Orange County Board of Commissioners may waive any of the conditions within this section, with the exception of statutorily imposed conditions.

#### B. Composition

- 1. The Orange County Board of Commissioners shall appoint all voting and nonvoting ex officio members to advisory boards. The Orange County Board of Commissioners shall endeavor to appoint members who represent the ethnic, cultural, demographic, and geographic diversity of the community.

#### C. Selection Criteria

- 1. Appointed members, except for ex officio members, shall be qualified by the Clerk to the Board of County Commissioners.
- 2. Members shall be appointed from applicants whose properly filed and submitted applications were submitted to the Clerk to the Board of Orange County.

#### D. Appointment

- 1. All members of advisory boards serve at the pleasure of the Orange County Board of Commissioners.
- 2. Appointments to advisory boards will be initiated with a public application process from individuals, advisory boards, or community and professional organizations.
- 3. All appointments to advisory boards will be made by the Orange County Board of Commissioners.
  - a. The Orange County Board of Commissioners may elect to interview applicants to certain advisory boards.

- b. In the event the Orange County Board of Commissioners conducts such interviews the advisory board to which the applicant seeks appointment may identify and suggest interview questions to the Orange County Board of Commissioners.
4. No person appointed to an Orange County advisory board shall serve on that board for more than two consecutive terms of three years each. Any appointment to a vacant position for less than a full three year term shall be considered a full term if the time of membership is 24 months or greater.
5. The Orange County Board of Commissioners may direct the Clerk to the Board of County Commissioners to establish an orientation program for certain advisory or other boards.
6. Extension of a member's term may be approved by the Orange County Board of Commissioners if it is determined that it is in the best interest of Orange County to allow an individual to continue to serve.
7. No person appointed to an advisory board may concurrently serve in any publicly elected office. \*(Does not apply where such service is provided by law, intergovernmental agreement, or approved Orange County board specific policy)

#### E. Term

1. Each appointed advisory board member shall hold office until the qualification and appointment of his or her successor or until one year has elapsed since the expiration of the term for which the member was appointed, whichever first occurs. No person shall serve as an appointed member of an advisory board for more than two consecutive terms of three years.
2. In order to establish staggered terms the original voting members of the advisory board shall be appointed as follows:
  - a. One- third for a one year term.
  - b. One-third for a two year term.
  - c. One third for a three year term.
  - d. Thereafter, each newly appointed voting member shall serve for a three year term.
3. Advisory board members whose terms are due to expire may request they be appointed to a second term or be asked to accept a second term appointment to the position.
4. Notwithstanding section III(E)(1) above the membership of any advisory board member whom the Orange County Board of Commissioners decline to appoint to a second term shall immediately terminate upon the expiration of their term.
5. Advisory board members may not serve concurrently on more than two (2) Orange County advisory boards. This restriction does not impact an individual's service on boards and commissions that are not Orange County advisory boards or short term task forces or work groups.

#### F. Resignation

1. If a member wishes to resign, the member shall submit the resignation in writing to the Chair of the advisory board on which the member serves and the Clerk to the Board of Orange County Commissioners, noting the effective date of the resignation.
2. The advisory board Chair will forward a copy of the resignation to the Clerk to the Board of Orange County Commissioners.

3. The Orange County Board of Commissioners may recognize the individual's service via a letter or certificate.
4. An announcement of the open seat will be made at the time the resignation becomes effective.

#### G. Vacancies

1. Upon the expiration of the term of service of members or should a vacancy otherwise occur, the Orange County Board of Commissioners shall have the responsibility of selecting and appointing new members to the advisory board.
2. Should any vacancy for which there is a board specific requirement that such vacancy be filled by a nominee of a municipal corporation or a resident of a specific Orange County township remain unfilled for six (6) consecutive months the board specific requirements may be set aside and the Orange County Board of Commissioners may fill the vacancy with any applicant otherwise qualified to serve.

#### H. Removal

1. Members of Orange County's advisory boards serve at the pleasure of the Orange County Board of Commissioners and may be removed for any reason or no reason with or without cause.
2. Members of Orange County's advisory boards are expected to abide by the highest ethical and professional standards.
3. In addition to Section III(H)(1) above, the Orange County Board of Commissioners shall remove any member of an advisory board for neglect of duty, nonparticipation that becomes problematic to the advisory board's functioning and purpose. Neglect of duty and nonparticipation are defined as follows:
  - a. Missing three (3) consecutive meetings; or
  - b. Missing twenty-five percent (25%) of meetings within any twelve (12) month period.
  - c. For this section III(H)(3) to apply, the missed meetings in question must be unexcused.
4. The advisory board Chair shall notify a member if the member is at risk of being removed pursuant to section III(H)(3).
5. The advisory board Chair shall notify the Clerk to the Board of Orange County Commissioners if a member has violated section III(H)(3).

#### I. Release from Service

1. When it is deemed necessary by the Orange County Board of Commissioners to release a member from his or her term of appointment on an advisory board, the affected individual shall be notified by the Clerk to the Board of County Commissioners by letter and/or electronic mail.
2. When an advisory board has completed its function, the members shall be informed of the completion of their service and the termination of the advisory board by letter and/or electronic mail.

### **SECTION IV. ROLES AND RESPONSIBILITIES**

#### A. Members

1. Members shall attend meetings of the advisory board, serve on subcommittees, and perform other functions as assigned by the advisory board chair with the approval of the advisory board.
2. If a member is unable to attend a meeting the member shall contact the Chair or designated staff as much in advance of the scheduled meeting as possible.
3. Ex officio members may be appointed by the Orange County Board of Commissioners for the purpose of meeting subject matter expertise needs. Ex officio members are nonvoting members of the advisory board.
4. Upon review of the above matters, the Orange County advisory board shall address recommendations and concerns, if any, to the Orange County Board of Commissioners in writing.

#### B. Advisory Board

1. The Orange County Board of Commissioners will consider all advisory board recommendations and/or concerns.
  - a. Should any concerns remain unresolved after a response has been received from the advisory board, the Orange County Board of Commissioners may request that the matter be referred to the County Manager.
2. To enhance trust between Orange County Government and the community, Orange County advisory boards shall:
  - b. Assist the staff of Orange County in achieving a greater understanding of the nature and causes of community issues, with an emphasis on improving relations between the department and the residents.
  - c. Recommend methods to encourage and develop the advisory board's ability to accomplish their work.
  - d. Work throughout the community to gain relevant information about advisory board issues and communicate these to the staff of Orange County and the Orange County Board of Commissioners.
  - e. Promote public awareness of contemporary issues Orange County must address to achieve the Orange County Board of Commissioners' goals and priorities.

#### C. Chair, Vice Chair, Secretary

1. Selection
  - i. Election
    1. Chair, Vice Chair and Secretary shall be elected by the advisory board unless otherwise specified by the Board of Commissioners.
    2. Chair, Vice Chair and Secretary shall be elected to one-year terms.
    3. Chair, Vice Chair and Secretary shall serve no more than three consecutive one-year terms.
    4. Chair, Vice Chair and Secretary shall assume office on the date of their election. At the first advisory board meeting upon assuming office the advisory board Chair or department staff shall present members with a copy of the advisory board's charge, scope of authority, membership responsibilities, and code of conduct.
2. Responsibilities
  - i. The advisory board Chair:
    1. Calls all meetings.
    2. Serves as the presiding officer and conducts advisory board meetings.

3. Is the Authorized spokesperson for the advisory board.
  4. Assists staff in developing the advisory board meeting agenda.
  5. Appoints and dissolves subcommittees, and the Chair and members thereof, of the body in consultation and with approval of the advisory board.
  6. Sets goals for the advisory board in consultation with the Orange County Board of Commissioners.
  7. Carries out advisory board assignments as required by the Orange County Board of Commissioners.
  8. Reviews all advisory board minutes and proposed recommendations or assigns another member of the advisory board to do so.
  9. May excuse members from attending advisory board meetings up to two (2) times per twelve (12) month period.
- ii. The advisory board Vice Chair:
    1. Serves as the presiding officer and conducts advisory board meetings in the absence of the Chair.
    2. Has all the responsibilities of the Chair in the Chair's absence.
  - iii. The advisory board Secretary:
    1. Takes (or oversees the taking of) minutes for all advisory board meetings.
    2. Submits minutes to the Chair to be distributed to advisory board members in advance of meetings.
    3. Submits approved advisory board minutes to the Clerk to the Orange County Board of Commissioners for retention and distribution to the Orange County Board of Commissioners.
    4. Assures that other records of the advisory board are kept as directed by the Chair or the Orange County Board of Commissioners.
  - iv. Removal:
    1. The Chair, Vice Chair and/or Secretary may be replaced at any time by the Orange County Board of Commissioners.

## **SECTION V. ORGANIZATION**

### **A. Orientation and Training**

1. Orange County will make available for advisory board members and department staff periodic training on state and/or county goals and priorities as well as relevant statutes and policies, including open meetings, public records, conflicts of interest and ethics.
2. Each member shall attend an orientation to familiarize the advisory board members with the operation of County government, applicable department rules, and the operating procedures of the advisory board.
  - a. The Chair and Vice Chair, if newly elected, shall attend an additional orientation to familiarize themselves with the duties and responsibilities of the Chair and Vice Chair and the guidelines for conducting meetings.
3. Each voting member will be encouraged to complete the orientation within the time frame established by the policy of the specific advisory board to which they have been appointed.

4. Advisory board members will be issued a manual and should become familiar with its contents.

B. Operating Expenses

1. Members, when in service on the board, are not employees of Orange County.
2. Members serve in a voluntary capacity and shall receive monetary compensation or reimbursement only per standard county policy and with Orange County Board of Commissioners approval.
3. Members shall receive no financial or employee benefits from the County unless authorized by another section of this policy and specifically approved by the Orange County Board of Commissioners.
4. The County will provide office supplies and assume responsibility for other reasonable expenses necessary for the operation of the board.

C. Confidentiality

1. The Chair shall serve as the spokesperson for the advisory board.
2. Except for the Chair, no member of the advisory board shall make any written or oral statement of any confidential matter to any individual, business, or agency. A violation of this section will result in that member's immediate removal from the advisory board.
3. Members of the advisory board may receive information regarding personnel matters and other information of a sensitive or confidential nature. It shall be the duty and responsibility of each member to respect and maintain the confidentiality of client issues presented before the board. Neither the advisory board nor any individual member shall disseminate confidential information received during advisory board meetings.
4. Advisory board members may be required to sign confidentiality statements as necessary and will be removed from the advisory board upon violation of the confidentiality agreement.

**SECTION VI. MEETINGS**

A. Regular Meetings

1. All meetings are to be open to the public as required by the applicable North Carolina General Statutes.
2. Unless otherwise specified, public meetings will follow the standard rules of procedure defined by the Orange County Board of Commissioners.
3. During a state of emergency declared by the Chair of the Board of Commissioners of Orange County the Orange County Manager may authorize any or all advisory boards to meet remotely, as needed, pursuant to the remote meeting rules set out herein.
4. The advisory board members shall determine the date, time, and place for each meeting, consistent with the guidelines below.
  - a. Regular advisory board and subcommittee meetings.
    - i. The advisory board convenes upon call of the Chair and meets on schedule as established by the specific advisory board policy.



- ii. Subcommittee meeting dates shall be set by the subcommittee Chairs and shall be scheduled in conjunction with advisory board meetings.
- iii. A schedule of all meeting dates, times, and places shall be properly posted in accord with North Carolina Law and delivered to the Clerk to the Board.

B. Special Meetings

1. A majority of advisory board members or the Chair may call special meetings at any time for any specific business. Special meetings shall be convened at a location selected by the Chair.
2. All called special meetings shall be noticed in accord with North Carolina Law and delivered to the Clerk to the Board.

C. Emergency Meetings

1. A majority of advisory board members or the Chair may call a meeting in emergency circumstances by providing telephone notice to media outlets at least one hour prior to the meeting.
2. An emergency situation includes a disaster that severely impairs the public's health or safety. In the event telephone services are not working, notice that the meetings occurred must be given as soon as possible after the meeting in accord with North Carolina Law and by delivery to the Clerk to the Board.

D. Notice of Meetings Generally

1. Notice of advisory board meetings, including public hearings and appeals if applicable, and agendas shall be made available to all members and interested parties, and to any person who requests such notice, at least ten (10) days in advance of the meeting by e-mail and by posting on the Orange County government website.
2. All applicable notice requirements established by North Carolina law shall be followed.
3. Prior to January 5<sup>th</sup> of each calendar year the Board shall cause a schedule of its meetings to be posted in a readily accessible location. Such schedule shall be delivered to the Clerk to the Board of Commissioners for posting to the Orange County website.
4. In the event of a state of emergency declared by the Chair of the Board of Commissioners of Orange County should advisory boards meet remotely, proper notice of the remote meeting(s) will be posted through the office of the Clerk to the Board of Commissioners.

E. Agendas

1. Board members and/or staff members shall submit agenda items to the Chair and staff for consideration at least fifteen (15) days prior to a scheduled meeting.
2. The agenda must provide a description of each item of business to be transacted or discussed so that interested members of the public will be capable of understanding the nature of each agenda item.
3. As a general rule, only those items appearing on the agenda will be discussed or voted on. However, if an item is raised by a member of the public, the advisory board may

accept public comment and discuss the item so long as no action is taken until a subsequent meeting.

4. With the Chair's agreement, the designated staff will develop and distribute to each member an agenda listing the matters to be considered at upcoming advisory board meetings. Also, so far as practicable, copies of all written reports that are to be presented to the advisory board for members' review will be included in this package at least ten (10) days before the meeting.
5. All recommendations and reports of the advisory board, approved in the form of motions, shall be conveyed exclusively to the Orange County Board of Commissioners for consideration, approval or denial. Outcomes are reported back to the advisory board.

#### F. Minutes

1. Minutes shall be taken of all advisory board meetings and submitted to the Clerk to the Board of Orange County Commissioners for retention and distribution to the Orange County Board of Commissioners.

### **SECTION VII. SUBCOMMITTEES**

#### A. Purpose and Formation

1. Subcommittees may be formed by the advisory board to research and make special recommendations on special issues or areas in order to carry out the duties of the advisory board.
2. All subcommittees shall be reviewed by the appointing body on an annual basis to determine continued need and realignment with the priorities of the advisory board.
3. Approved subcommittees must have documented goals, deliverables, and a timeline. The subcommittee will cease to meet when these are satisfied.
4. The advisory board Chair may request that the Orange County Board of Commissioners change the structure and/or operating procedures of the advisory board if he or she deems it essential for improving the board's productivity and effectiveness.
5. A subcommittee can be formed with the approval of the advisory board chair and majority vote of the advisory board.
6. Subcommittees shall operate as directed by the advisory board.

#### B. Procedure and Membership

1. A member of the subcommittee shall take responsibility for taking minutes of subcommittee meetings and shall report to the advisory board the subcommittee's progress toward its stated objectives, including dissenting viewpoints.
2. Subcommittees shall operate by majority vote.
3. Subcommittees may request a technical representative be approved by the County Manager.
4. Subcommittees shall operate openly as defined by applicable North Carolina State law and local ordinances and policies.
5. Membership on subcommittees shall be voluntary unless the specific advisory board policy dictates otherwise.

### **SECTION VIII. QUORUM AND VOTING**

A. Quorum

1. A quorum for a meeting of an advisory board and any subcommittee thereof shall consist of a majority of the number of appointed members. Vacant positions are not counted when determining if a quorum is present.
2. Members who remotely attend a meeting may be counted present for purposes of a quorum.

B. Voting

1. Unless otherwise required by law, all decisions shall be reached by a simple majority vote.
2. All voting will be conducted in open meetings, except when in closed session where such closed session is permitted by North Carolina law.
3. No issues can be voted upon unless a quorum is present.
4. Only appointed members can vote at advisory board meetings.
5. Appointed members shall not delegate their vote to another member.
6. The Chair of the advisory board may participate and vote on all issues.
7. Voting by proxy is not authorized and shall not be allowed.
8. Members may not abstain from voting but where a member has a conflict of interest the member may be excused by majority vote of the advisory board.
9. Members of advisory boards must be present to vote. Presence may be accomplished through remote attendance or physical attendance.
10. Individuals appointed as ex officio members of the advisory board are not authorized to vote on any issue before the advisory board.

**SECTION IX. ETHICS**

A. This section also applies to the Board of Adjustment, Board of Equalization and Review, and Animal Services Hearing Panel.

B. Conflict of Interest

1. During advisory board meetings, a member shall immediately disclose any potential conflict of interest and request to be excused from voting when he or she has a conflict of interest.
2. During appeal proceedings, the applicant has the right to question the interest of any voting member. The advisory board chair should consult with the County Attorney or staff attorney on any potential conflict of interest in appeal matters.
3. In determining from existing facts and circumstances whether a conflict of interest exists the determining party shall consider the facts and circumstances as would an ordinary and reasonable person exercising prudence, discretion, intelligence, and due care.

C. Gifts

1. An advisory board member shall not directly or indirectly ask, accept, demand, exact, solicit, seek, assign, receive, or agree to receive any gift or honorarium for the advisory board member, or for another person, in return for being influenced in the discharge of the advisory board member's official responsibilities.
2. This section shall not apply to gifts or awards authorized by Orange County Policies, Resolutions, or Ordinances.

#### D. Code of Ethics

1. Advisory board members should act with integrity and with independence from improper influence as they exercise the functions of their offices. Characteristics and behaviors that are consistent with this standard are:
  - a. Adhering firmly to a code of sound values.
  - b. Behaving consistently and with respect towards everyone with whom they interact.
  - c. Exhibiting trustworthiness.
  - d. Living as if they are on duty as appointed officials regardless of where they are or what they are doing.
  - e. Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner.
  - f. Remaining incorruptible, self-governing, and not subject to improper influence, while at the same time being able to consider the opinions and ideas of others.
  - g. Disclosing contacts and information about issues that they receive outside of public meetings, and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves.
  - h. Treating other advisory boards and advisory board members and the public with respect, and honoring the opinions of others even when they disagree.
  - i. Being careful not to reach conclusions on issues until all sides have been heard.
  - j. Showing respect for their appointed office and not behaving in ways that reflect badly on the office, the advisory board, Orange County, or the Orange County Board of Commissioners.
  - k. Recognizing that they are part of a larger group and acting accordingly.
  - l. Recognizing that individual board members are not generally allowed to act on behalf of the board, but may only do so if the board specifically so authorizes, and that the board must take official action as a body.
  - m. Being faithful in the performance of the duties of their offices.
  - n. Acting as especially responsible residents whom others can trust and respect.
  - o. Faithfully attending and preparing for meetings.
  - p. Carefully analyzing all credible information that is properly submitted to them, and when applicable, being mindful of the need not to engage in communications outside the meeting in quasi-judicial matters.
  - q. Being willing to bear their fair share of the board's workload.
  - r. To the extent appropriate, they should be willing to put the board's interests ahead of their own and shall avoid the appearance of a conflict of interest and shall, under no circumstances, use their position on any board for personal gain or profit.
2. Members of the Planning Board, Board of Adjustment, Economic Development Commission, and Board of Equalization and Review shall upon initial appointment, and prior to December 31 annually thereafter, disclose:

- a. Any interest he or she or his or her spouse or domestic partner has in real property situated in whole or in part in Orange County and the general description of that property.
- b. Any legal, equitable, beneficial or contractual interest he or she or his or her spouse or domestic partner has in any business, firm or corporation, which is currently doing business with Orange County pursuant to contracts awarded by Orange County, or which is attempting, or has attempted in the past calendar year, to secure the award of a bid from Orange County or the approval of any Board or Agency of Orange County.
- c. Failure to file a disclosure statement setting out the above required information shall result in immediate removal of the member from the applicable board.

## **SECTION X. COMPENSATION AND TRAVEL REIMBURSEMENT**

### **A. Compensation**

1. As a general rule advisory board service is voluntary and appointed members shall receive no form of compensation for their services.
2. However, should the Orange County Board of Commissioners determine, in its sole discretion, that an advisory board's members should be compensated, such compensation shall be addressed in that advisory board's specific policy and rules of procedure as adopted by the Commissioners.

### **B. Travel Expense Reimbursement**

1. The Chair shall, to the extent practicable, schedule all hearings and advisory board meetings to minimize travel and per diem costs.
2. Payment of expenses to advisory board members shall occur only when travel has been approved by the County Manager prior to the time the expenses are incurred.
3. Orange County shall reimburse reasonable and necessary travel and incidental business expenses from pre-approved travel to advisory board members
4. Advisory board members shall be reimbursed in accordance with current local and/or state rules and regulations. Expense claims shall be submitted as required pursuant to the Orange County travel policy.
5. Transportation expense claims shall include charges essential for transportation to and from the meeting place. Reimbursement shall be made only for the local government's standard mileage allowance. Travel should be via the shortest, most commonly traveled route.
6. Travel expense does not include hotel/motel expenses.

## **SECTION XI. LIMITATION OF POWER AND AUTHORITY**

- A. Nothing contained in this Advisory Board Policy shall be construed to conflict with any North Carolina law or Orange County ordinance. Should there be an appearance of conflict, the appropriate North Carolina law or Orange County ordinance shall prevail.
- B. The activities of the advisory board shall, at all times, be conducted in accord with applicable Federal law, North Carolina law, and Orange County ordinances.

- C. Advisory Boards, the Board of Adjustment, Board of Equalization and Review, and Animal Services Hearing Panel, and any members thereof shall not (and shall not have the express or implied authority to):
1. Incur expense or obligate Orange County in any manner.
    - a. Any expense incurred must have been pre-approved either through the department director overseeing the advisory board's budget, the Orange County Board of Commissioners, or the County Manager.
    - b. It is specifically acknowledged that no member of an advisory board has the authority, express or implied, to, contractually or otherwise, bind Orange County.
  2. Identify or release any draft document that has not been approved for release by the Orange County Board of Commissioners or County Manager.
  3. Take positions, in their capacity as an advisory board member, on any political issue or support or oppose any candidate for public office.
  4. Independently investigate resident complaints against Orange County, any department or any employee of a department.
  5. Conduct any activity that might constitute or be construed as an official governmental review of departmental or employee actions.
  6. Conduct any activity that might constitute or be construed as establishment of Orange County or departmental policy.
  7. Violate the confidentiality of any information related to matters involving pending or forthcoming civil or criminal litigation.
  8. Engage in any act to impose or attempt to impose discipline on any advisory board member, department, or employee.
  9. Interfere, attempt to interfere or involve themselves in any way in staff personnel matters regardless of the nature of the matter.

**SECTION XII. REMOTE MEETINGS AND REMOTE ATTENDANCE PURSUANT TO NCGS §166A-19.24**

- A. Declared states of emergency.
1. Upon a declaration of a state of emergency in Orange County by the Chair of the Board of Commissioners advisory boards subject to this Advisory Board Policy may meet remotely as authorized by the County Manager.
  2. A remote meeting is an official meeting, or any part thereof, with a majority or all of the members of the advisory board participating by simultaneous communication.
  3. Simultaneous communication is any communication by conference telephone, conference video, or other electronic means.
  4. Advisory Boards shall comply with open meetings laws.
  5. Advisory Boards shall coordinate with the Clerk to the Board of Commissioners to notify the public of the remote meetings and the means by which the public may access the remote meetings.
  6. If at any time during a remote meeting the number of members needed for a quorum is disrupted by a loss of simultaneous communication the meeting will not continue until simultaneous communication is restored and if simultaneous

communication cannot be restored the meeting will be adjourned without further action.

B. Remote attendance at other times.

1. At all other times advisory boards shall meet in person at the time and location adopted in the board's meeting schedule and as set out herein.
2. Should a member be unable to physically attend a meeting the member may attend remotely so long as simultaneous communication is maintained for the remotely attending member(s) and only so long as the public has access to communications by the member(s).
3. Remote attendance involves a member(s) of the advisory board participating by simultaneous communication.
4. If the presence of a member(s) remotely attending a meeting is necessary for purposes of achieving a quorum and simultaneous communication with the member(s) is lost the meeting will not continue until simultaneous communication is restored and if simultaneous communication cannot be restored the meeting will be adjourned without further action.