



BOARDS & COMMISSIONS HANDBOOK



Contents

ACKNOWLEDGEMENTS.....	3
INTRODUCTION.....	4
Roles & Responsibilities of Boards and Commissions.....	4
Advisory Boards & Commissions	4
Keys to Becoming an Effective Board or Commission Member	5
POTENTIAL APPLICANTS	5
Frequently Asked Questions.....	5
Attend a Meeting.....	6
Submit an Application.....	6
Application Process.....	6
NEW MEMBERS	7
LEGAL REQUIREMENTS	7
Open Meetings Law	7
Open Meetings - Frequently Asked Questions	7
Public Records.....	8
Conflicts of Interest.....	9
Quasi-judicial proceedings (Planning Board, Board of Adjustment, Historic Resources Commission, & Canine Review Board Only).....	9
BOARD & COMMISSION LEADERSHIP.....	10
Roles & Responsibilities.....	10
How to Run a Meeting	10
Reporting to City Council	10
New Member Recruitment.....	10
LIAISONS.....	11
Staff Liaison Role	11
Staff Liaison Responsibilities.....	11
Council Liaison	12
Communication with Chair	12
TRAINING OPPORTUNITIES	12
General.....	12
Specific Training	13
Requesting Training	13
Appendix A: Board & Commission Descriptions	14

ACKNOWLEDGEMENTS

This Handbook was created by the Boards & Commissions Taskforce in 2019 and is designed to serve as a guide to enhance the volunteer experience for those wishing to serve their community. It was created with support, input, and feedback from Graham board and commission chairs, members, citizens, and City staff. We would like to acknowledge the following members for their time and unwavering commitment to the development of this handbook.

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Board & Commission Members:

Carla Smith, Appearance Commission (Chairperson), Historic Resource Commission
Elaine Murrin, Graham Historical Museum (Chairperson), Historic Resource Commission (Vice-Chairperson)
Cary Worthy, Historic Resources Commission (Chairperson)
Jay Cook, Recreation and Parks (Chairperson)
Jan Searls, Tree Board (Chairperson)
Eric Crissman, Planning Board, Tree Board
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City Staff:

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Darcy Sperry, City Clerk
Brian Faucette, Recreation & Parks Director
Nathan Page, Planning Director
Alexa Powell, Planner

INTRODUCTION

This handbook is for persons interested in volunteering on a City Council board or commission or for those recently appointed. In this handbook, you will find information about how each board and/or commission functions, qualifications for members, information for new appointees, board roles and responsibilities, the policies governing board(s) and/or commission(s), and a description of all city board(s) and/or commission(s) to which members are appointed by City Council.

Roles & Responsibilities of Boards and Commissions

By virtue of their authorizing statutes, some boards and/or commissions may have legislative, quasi-judicial, and/or advisory functions. During the orientation, new members will learn more about which role the board and/or commission is acting in specific circumstances and the rules surrounding that type of action. See Appendix A for a description of each Board or Commission.

- When acting in a **LEGISLATIVE** capacity the board and/or commission has direct authority over narrow policy areas or the authority to make binding determinations on questions brought before them.
- When acting in a **QUASI-JUDICIAL** capacity the board and/or commission members act as a judge by determining the legal rights of Property Owners, Tenants, Neighbors, and other affected parties in the hearing.
- When acting in an **ADVISORY** capacity the board and/or commission has the responsibility of reviewing information and making a recommendation to the City Council. As advisory bodies, these board(s) and/or commission(s) cannot unilaterally make policy decisions or direct City staff.

Advisory Boards & Commissions

Most City Boards and Commissions are advisory boards which make recommendations to the City Council. In making these recommendations, several factors should be considered. Has the board and/or commission....

- Made recommendations that reflect what is best for the entire City.
- Taken care that deliberations include thorough research and review of all alternatives on an issue prior to making a recommendation.
- Made recommendations to the City Council that reflect the consensus or majority position of the entire board and/or commission.
- Offered recommendations that reflect a consensus position based on the deliberations of the board and/or commission and public input.
- Provided any written reports or supplementary materials to the Staff Liaison for inclusion on the City Council Agenda.
- Selected a representative of the board or commission to attend the City Council meeting at which the recommendations are presented in order to answer questions.
- Advised representatives not to give personal opinions or recommendations before the City Council without clarifying them as such. Board and/or commission members should note that staff may present recommendations contrary to that of the board and/or commission; this is to be respected as a different viewpoint. Also, understand the City Council is under no obligation to follow the recommendation of the board and/or commission, and may choose for a variety of reasons to implement a policy different than the recommended one. In this case, board and/or commission members should respect this decision and remember they serve the City Council; their decisions are policy and once made, the board and/or commission should move on to the next area of discussion or find ways to best assist implementation of the new policy.

Keys to Becoming an Effective Board or Commission Member

Like any endeavor, serving as a board or commission member requires you to put in time and effort. Several key behaviors can help make you a more effective part of these groups:

- Be familiar with the operating statute, bylaws, and other critical documents of your particular board or commission. These documents provide information on the mission and scope of your group as well as how it should operate.
- Review the Open Meetings Law ([NC General Statute 143, Article 33C](#)). This legislation will guide how your group can meet and several steps it will need to take to comply with State regulations.
- Attend meetings and come prepared. Most of the City's board(s) and/or commission(s) prepare an agenda prior to each meeting and many provide related materials. Members are expected to come to each meeting prepared to discuss the relevant issues, having reviewed any provided documentation. It is beneficial to arrive at meetings on time, in an alert condition, and with an open mind so that meeting will be conducted in an efficient and fair manner.
- Understand the role of your board(s) and/or commission (s) and constraints on the City. By understanding what you can do and how you affect policy, you can reduce frustration with the process and outcomes. In turn, it helps to remember that your area is only one small part of the operations of the City and that limited resources are available to address all needs. Thus, recommendations and the policies ultimately adopted should both be viewed with the idea not of the perfect solution, but the best solution given available resources.
- Remember you are one member. The authority of the board(s) and/or commission(s) comes from the entire group, not just one member; therefore, the decisions made must be of a consensus or majority nature. There may be a time at which your individual view is not that of the board(s) and/or commission(s) as a whole. In these cases, remember to work as a member of the group and represent your personal views only when it is clear that they are personal and not reflective of the board and/or commission or City Council. As a member of a board or commission, you will have a chance to influence public policy through your recommendations to the City Council and gain a better understanding of the issues facing the City. As a board and/or commission member, you will also have the chance to interact with other citizens on meaningful issues, participate in and gain new insights into the public policy process, and give back to the community by using your time and talent to make Graham a better place!

If you have any questions or require assistance, please direct those to:

City Clerk
201 South Main St.
Graham, NC 27253
Phone: 336-570-6700

Regular business hours:
Monday-Friday
8:00AM to 5:00PM

Website: www.cityofgraham.com/volunteer

POTENTIAL APPLICANTS

Frequently Asked Questions

Before completing a volunteer application to serve on board(s) and/or commission(s) with the City of Graham, there are a few questions for you to consider. Below are just a few questions to ask as you get started...

What are the requirements to serve?

- What is the time commitment? How long is the term?
- What are the responsibilities of the board or commission?
- Which board(s) or commission(s) are of most interest?
- What are the expectations for members?
- What is the process for appointment?

Consider these questions carefully as you review this handbook. As you answer these questions with the information available on the website at www.cityofgraham.com/volunteer page determine which specific board(s) and/or commission(s) are of interest. This handbook attempts to provide answers to these and many more questions.

Attend a Meeting

The City of Graham highly encourages potential applicants to attend at least one meeting of the board(s) and/or commission(s) for which you intend to apply. This is to help you gauge whether this volunteer opportunity is a good fit and to insure you have a good understanding of the roles and responsibilities of the board and/or commission.

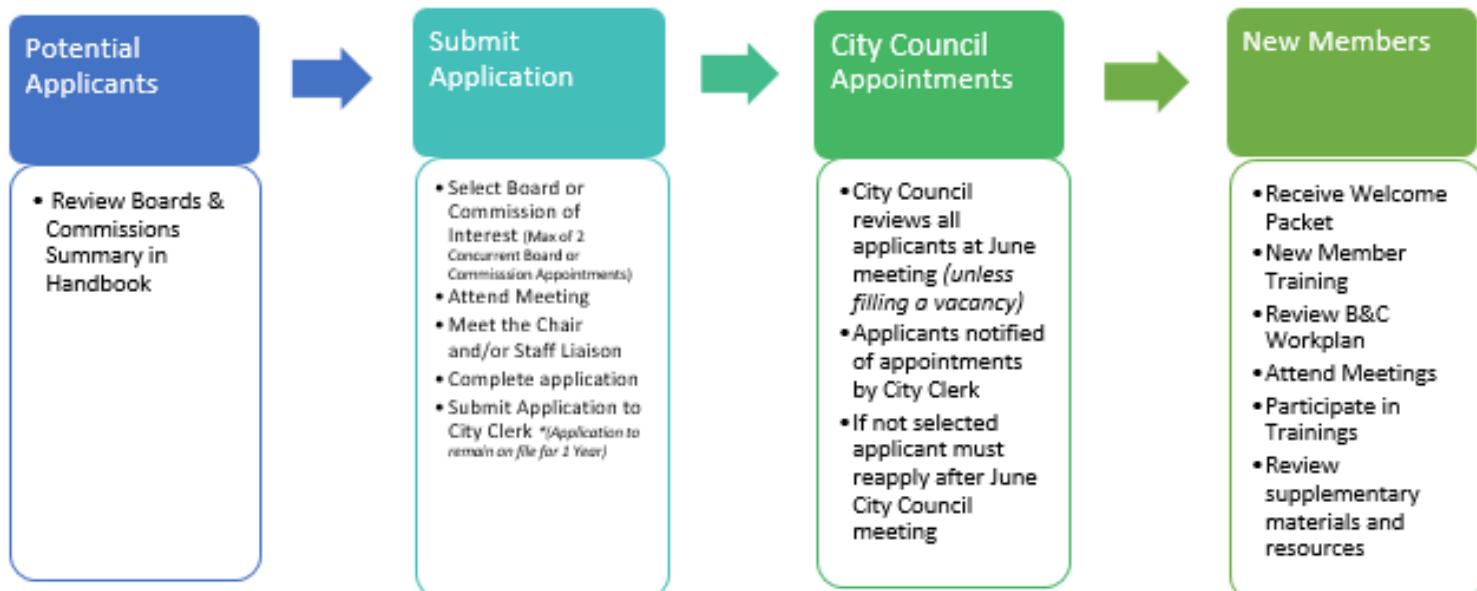
We also recommend prospective applicants meet with the Chair and Staff Liaison of their desired board or commission. Applicants are welcome to reach out to the Staff Liaison to coordinate a meeting with the Chairperson of the board or commission to provide insight into what it's like serving on the board and/or commission, answer any additional questions, and discuss how the applicant would like to contribute to the group if selected as a new member.

Submit an Application

Please submit your application to the City Clerk. Applications are available online or at city hall and may be submitted either electronically or in person to the City Clerk.

[See Appendix B: Application]

Application Process



NEW MEMBERS

Newly appointed members of Board(s) and/or commission(s) should expect to receive a welcome letter from the City Clerk to serve as notification if you have been appointed after the June City Council Meeting (*unless filling a vacancy*). The Staff Liaison will also be in communication with new members to provide details specific to the board(s) and/or commission(s) to which they have been appointed. Staff Liaisons will also be in touch to coordinate an orientation training with new members.

LEGAL REQUIREMENTS

Open Meetings Law

All board and commission meetings shall comply with the North Carolina Open Meetings Law, which requires that all meetings of “public bodies” be open to the public after proper notice is given. The full open meetings law is available online at [\(G.S. 143-318.9 through 143-318.18\)](#).

Open Meetings - Frequently Asked Questions

The following are excerpts from **Open Meetings and Local Governments in North Carolina: Some Questions and Answers** (Eighth Edition, 2017), by David M. Lawrence of the School of Government at the University of North Carolina at Chapel Hill, may help answer some of the questions you may have about these regulations.

Q. What kinds of groups are subject to the open meetings law?

A. The law extends to any “public body.”

Q. Is “public body” defined?

A. Yes, and the definition is very broad. In general, a public body is any authority, board, commission, sub-committee, council, or other body of state or local government that meets both of two conditions. First, it must have at least two members. And second, it must be authorized to exercise at least one of the following five functions: legislative, policy-making, quasi-judicial, administrative, or advisory. It is hard to imagine a formal group that is not authorized to exercise at least one of the listed functions.

Q. What about sub-committees of public bodies, such as the finance committee of a city council?

A. They are also public bodies; the statute specifically extends to “committees.”

Q. Are all meetings of public bodies subject to the open-meetings law?

A. No. Only “official meetings” are subject to the statute.

Q. Well, what’s an “official meeting”?

A. An official meeting occurs whenever a majority of the members of a group meet - in person or by electronic means, such as conference telephone call or email - in order to do any of the following:

- conduct a hearing,
- deliberate or discuss
- take action, or
- otherwise transact public business.

Note: Emails – Include staff and chair only. Do not “reply to all” on emails to Board from staff.

Q. Holding a hearing and taking action are both fairly clear. But what does it mean to “deliberate”?

A. In one court’s words, “to ‘deliberate’ is to examine, weigh and reflect upon the reasons for or against” a possible decision. “Deliberations thus connote not only collective discussion, but the collective acquisition and exchange of facts preliminary to the ultimate decision.”

Q. What about a briefing, when the board or commission is simply receiving information and not discussing it?

A. This amounts to deliberating, too. Again, the board or commission is collectively acquiring the information on the basis of which it will act, which is part of the deliberative process.

Resources:

Coates Cannons: Open Meetings Law

<https://www.sog.unc.edu/resources/microsites/nc-open-meetings-law>

Open Meetings and Local Government in North Carolina: Some Questions and Answers, Eighth Edition, 2017 (Book Available at City Hall)

Public Records

Public Records & You

All public board(s) and/or commission(s) receive and create public records while conducting regular business. You also produce public records when you function in your official capacity as a board(s) and/or commission(s) member. For instance, if you communicate with another individual in your official capacity or exchange information about matters under your board’s purview, you may create a public record even if you use your personal email, voicemail or video recording to transmit that information. Many people misunderstand the law and assume communications on personal email accounts or via text messages are not subject to the public records law; this is untrue. All board or commission related communications are subject to public disclosure.

What is a Public Record?

A public record is information created or received while transacting the public business by any agency of North Carolina government or its subdivisions, this includes public board(s) and/or commission(s). North Carolina’s public records law, enacted in 1935, is one of the most open public records laws in the United States. The law provides a very broad definition of what is a public record and stipulates that anyone can request a public record for any reason. It also affirms that public records and public information are property of the people. You can review the law in full by reading [Chapter 132 of the NC General Statutes](#). The purpose of making records public is to allow greater insight into government, provide accountability and transparency in the decision-making process, and ensure open access to the public. Examples of public records include meeting agendas or minutes, policies or directives, final drafts of reports or recommendations, work schedules and assignments, and correspondence related to official business. Not all information is considered a public record; for instance, personal messages to friends or family members and spam are excluded. In addition, there are records that are protected and not public; for instance, employee personnel file information and personal identifying information (social security numbers etc.) Public records are designated by content and function; it does not matter in which format it exists or what device was used to transmit the information. 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. If the content of an email or other electronic communication meets the definition of a public record, it is subject to disclosure, whether it is in a public or private email account or personal cell phone or device.

Board Member Responsibilities

Board or commission members should be aware that your correspondence and exchange of information related to the work of the board or commission may be subject to the North Carolina public records law and be released to the public upon request. This applies to your personal email accounts and information transmitted on personal cell phones and other devices, including text and voicemail messages. Board or commission members have a legal responsibility for retaining information pertaining to official City business. Members should identify if information is created or received for official City business and save emails and correspondence. If you must conduct business via text messaging, a good practice for retention is to forward the message to your email account or capture the text message with a screenshot and upload the image to your email account. Members must manage migrated records in their email account through their lifecycle. Do not destroy your public records! The law requires that you retain certain records for a period of time, and that you turn over certain records if a member of the public requests them when they contain content related to your official capacity. This is true even if the records are on your personal computer, personal cell phone or personal email account.

Public Records Requests

Inspection of public records must be made available promptly. If records are requested from you from a City staff member to fulfill a public records request, please make every effort to provide the requested information in a timely manner. Failure to provide access to records in accordance with the law may subject the City to lawsuits to compel production.

Conflicts of Interest

For details about what constitutes a conflict of interest please review the State Laws on this subject.

If you have further questions or concerns about a potential conflict of interest, please contact the Staff Liaison for your board or commission so they may get in contact with the City Attorney for a legal opinion.

[**Quasi-judicial proceedings \(Planning Board, Board of Adjustment, Historic Resources Commission, & Canine Review Board Only\)**](#)

Purpose and General Information

Quasi-judicial decisions arise in a variety of local government settings. In Graham, the Historic Resources Commission (HRC) holds quasi-judicial hearings on requests for certificates of appropriateness for major works and demolition (COA). The Board of Adjustment (BOA) holds quasi-judicial hearings for variance and reasonable accommodation requests, appeals of staff decisions, including zoning appeals, and appeals from decisions of the HRC on requests for a COA. The Planning Board hears Special Use cases. The HRC, BOA, and Planning Board are collectively referred to in this section as the "Hearing Body."

During a quasi-judicial hearing, the Hearing Body must hold an evidentiary hearing and make its decision based on the written and oral evidence presented. Unlike legislative decisions (like rezoning's), a quasi-judicial decision must be based solely on the evidence presented and cannot be based on opinions, conjecture, or hearsay testimony. The purpose of a quasi-judicial hearing is to provide the affected parties due process, which requires notice of the proceedings and an opportunity to be heard by impartial decision-makers. During these proceedings the Hearing Body listens to the facts in evidence in order to decide if the appropriate standards are being met.

Quasi-Judicial hearings require specific procedures to be followed. Details about these processes will be covered in more detail during the orientation training for new members.

Resources:

Quasi-Judicial Handbook: A Guide for Boards Making Development Regulation Decisions (Available to Borrow)

<https://www.sog.unc.edu/publications/books/quasi-judicial-handbook-guide-boards-making-development-regulation-decisions>

BOARD & COMMISSION LEADERSHIP

Roles & Responsibilities

Chair

Preside over meetings, provide group leadership and direction, communicate with Staff Liaison, attend leadership training, meet with prospective new members, new member orientation, annual report to Council, coordinate events with members & volunteers, be familiar with Robert's Rules of Order, work in cooperation with the Staff Liaison to ensure activities are documented in order to create a digital archive or visual record, and call/attend occasional leadership meetings.

Vice Chair

Preside over meetings when the Chair is absent, communicate with Staff Liaison, be familiar with Robert's Rules of Order, attend occasional leadership meetings.

Secretary

Take notes during meetings, send meeting minutes to Staff Liaison in a timely manner, and make recommended edits to meeting minutes. In some cases, a staff member will be provided to take meeting minutes rather than a member of the board or commission.

How to Run a Meeting

Robert's Rules of Order is the standard for facilitating discussions and group decision-making. Copies of the rules are available at City Hall for review. The City encourages elected leaders of board(s) and/or commission(s) to read these procedures to facilitate efficient meetings.

Reporting to City Council

As an extension of City Council, board(s) and/or commission(s) have an obligation to report their activities to the governing body on an annual basis. The annual report should be submitted by the Staff Liaison to be included on the City Council Agenda. Information may include but is not limited to new projects, general board(s) and/or commission(s) achievements, work plan progress, and any planned future efforts to achieve the goals of the board or commission. In addition, periodic updates may be warranted in order to make Council and the community aware of the board or commissions work in the community. A representative of the board or commission should attend the City Council meeting at which the recommendations are presented in order to answer questions.

New Member Recruitment

Raising awareness about the opportunities residents have to serve their community is critical to the long-term sustainability of each board and/or commission and their mission. As such the following recommendations were identified as strategies to enhance recruitment and encourage civic engagement:

Website/Social Media/Digital Channels

- i. Add web banner to the City homepage
- ii. Develop general 30-second Video "I love serving the community because..."
- iii. Capture photos/videos/articles of activities to share on Social Media

Printed Materials

- i. Flyer
- ii. Brochure/Rack Cards
- iii. Water billing note
- iv. CityGram Newsletter

Presence at community events (Thursday's @ 7, Love Graham, & Pumpkin Bash)

LIAISONS

Staff Liaison Role

Staff Liaisons are City of Graham employees who usually have significant staff responsibilities that relate to the same work area as the advisory board, commission or sub-committee to which they have been assigned. They do not work "for" or "at the direction of" the board or commission they support. They are professionals who work with their advisory board, commission or sub-committee to develop information and recommendations for Council consideration. As the City staff representative, the Staff Liaison provides factual information as needed and clarifies City policy if there is uncertainty on a particular issue. Staff Liaisons should not participate in the deliberations of items before the advisory board, commission or sub-committee.

The Staff Liaison is responsible for ensuring that advisory board, commission or sub-committee members have all the necessary information to allow them to make informed decisions or recommendations to Council. The Staff liaison works with the chair to develop the agenda and packet information. The Staff Liaison is responsible for ensuring that the requirements of Federal and North Carolina laws and City policies pertaining to advisory boards, commissions and sub-committees are met. This responsibility includes compliance with the Open Meetings Law and the posting of minutes. The Staff Liaison may also find, coordinate, and encourage participation in training opportunities for members.

Staff Liaison Responsibilities

The Staff Liaison is responsible for the following:

- Attend all meetings for the advisory board, commission or sub-committee to which they are assigned. If this is not possible, then the Staff Liaison will organize an alternative staff member, generally the supervisor of the Staff Liaison.
- Coordinate with the Chair in scheduling and creating an agenda for advisory board, commission or sub-committee meetings.

- Organize details of meetings such as room booking, publish a calendar of meeting dates, application deadlines, and public notice dates.
- Ensure that meeting notifications and recordkeeping occurs consistent with applicable North Carolina State laws and City Policies
- Provide a copy of approved Minutes to the City Clerk, no later than 48 hours after the meeting.
- Provide regular updates to staff and advisory board, commission or sub-committee members regarding important issues related to the work of the advisory board, commission or sub-committee
- Serve as a communication link between the advisory board, commission or sub-committee, other City staff and departments, and Council, as appropriate
- Provide professional guidance, recommendations, and support
- Make sure the intent of the advisory board, commission or sub-committee is not lost after a decision/recommendation, and that it is conveyed to Council in a timely manner
- Assist the advisory board, commission or sub-committee in staying on track and focused
- Present advisory board, commission or sub-committee recommendations to Council, if requested to do so by either the group or Council
- Maintain a positive working relationship with the Chair and members
- Submit annual report to City Clerk for inclusion on the City Council agenda
- Work in collaboration with the Chair to ensure an archive of activities is kept by the City; this record may include, but is not limited to photos, videos, articles, and publications for use by the City

Council Liaison

- Serve as a communication link between the advisory board, commission or sub-committee, other City staff and departments, and Council, as appropriate
- Assist the advisory board, commission or sub-committee in staying on track and focused

Communication with Chair

Prior to the date of public notice, the Staff Liaison will communicate with the Chair to provide or discuss what needs to be included on the agenda and any supplementary materials for the agenda packet. The method of communication should be discussed with the Chair to identify their preference. It may also be helpful to schedule occasional meetings between the Staff Liaison, Council Liaison, and board(s) and/or commission(s) leadership to engage in long term planning for the group.

TRAINING OPPORTUNITIES

General

For all new board or commission members, the Chair in conjunction with the Staff Liaison will provide an orientation session that includes a review of enabling legislation for that board or commission, parliamentary procedure, historical perspectives on the work of the board or commission, and any other material appropriate to the work of the particular board or commission such as bylaws, traditional practices, etc. Beyond this initial orientation, board and commission members are strongly encouraged to attend training that enhances their ability to effectively serve. The increasing complexity of municipal operations and the potential for legal challenges to recommendations and decisions made by appointed and elected officials makes it increasingly important for members to receive proper training in order to carry out their roles and responsibilities.

Specific Training

Members of boards or commissions are expected to attend appropriate training in their particular specialty within one year of appointment. Thereafter, members shall continue to attend workshops, training seminars, conferences, etc.

Requesting Training

All board and commission members may request additional training be provided. This includes information from Staff, Guest Speakers, or providing funds to allow members to attend outside training events pertaining to the board or commission on which the member is serving. Some departmental budget funds, allocated by the City Council, may be available for board members to attend training. Members in leadership roles and new members may be given priority.

Appendix A: Board & Commission Descriptions

Planning Board

The Planning Board makes recommendations on general plans for managing the growth of the community. This includes rezoning proposals, special use permits, subdivision review, and changes to the Development Ordinance. The Planning Board is also responsible for monitoring the relevance of the Comprehensive Plan and makes recommendations to the City Council to update the Plan on an annual basis. The board meets monthly as required and members serve staggered 3 year terms.

Board of Adjustment

The Board of Adjustment functions as a quasi-judicial board and meets as-needed. They review variances and appeals of staff decisions. Due to the infrequent meeting schedule of the Board of Adjustment, the Board is comprised of the same membership as the Planning Board. However, their roles are not related.

Appearance Commission

Makes recommendations to enhance the aesthetic appeal of the community. This includes selecting residential and business beautification award recipients, granting business beautification funds, and organizing community events. The board meets monthly as required and members serve staggered 3 year terms.

Historic Resources Commission (HRC)

Responsible for promoting, enhancing, and preserving local history. Reviews applications for Certificates of Appropriateness (COA's) for construction, additions, signs, and other exterior work in the Court Square Historic District. Work also includes administering the façade grant program, conducting educational programming, publishing design guidelines, and researching future historic districts. A majority of members should have a demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields. The board meets monthly as required and members serve staggered 3 year terms.

Historical Museum Advisory Board

Acts as responsible stewards of all artifacts entrusted to the Museum. Members work to initiate programs and community events that highlight Graham's history, serve as docents, and act as the acquisition and accession committee for artifacts offered to the Museum. The board meets monthly as required and members serve staggered 3 year terms.

Recreation Commission

Responsible for providing recommendations to the Recreation Director and City Council on policies and programs. Members provide input and guidance on the development of long range plans for the Department including direction on program offerings and the development of recreational facilities. The board meets monthly as required and members serve staggered 3 year terms.

Tree Board

Serves as an advisory board to the City Council as it relates to the planting, growth, and protection of trees and native plants within the City. The board meets every other month (January, March, May, July, September, November) and members serve 3 year staggered terms.

Graham Housing Authority

Members strive to provide quality and safe rental housing for eligible low-income families, the elderly, and persons with disabilities. Members serve 5 Year staggered terms.

Alcoholic Beverage Control (ABC) Board

The Alcoholic Beverage Control Board (ABC) oversees the operation of ABC Stores as required by North Carolina

State law. They may also make policy recommendations, within the scope of what is permitted by State Law, for local ordinance changes. Meetings are held every other month and members serve 3 year terms.

Canine Review Board

The Canine Review Board functions as a quasi-judicial board. They review appeals of staff decisions in cases where a dog has been determined to be dangerous and a decision has been made to humanely euthanize the animal. Meetings are held as needed by notice of appeal. Term: 3 Years.