



**Buncombe County Land Conservation Advisory
Board Bylaws**

	Countywide or		Department: Agriculture and Land Resources	X	Board: Land Conservation Advisory Board
Supersedes: N/A				Effective Date: February 16, 2022	
Authority: Buncombe County Board of Commissioners Resolution 03-12-11					

I. Purpose: To establish the general operating procedure for the Land Conservation Advisory Board for Buncombe County in compliance with state law.

II. Procedure Statement:

A. Name and Office

The name of this organization is the Land Conservation Advisory Board (hereinafter, sometimes, “the Board”). The principal office of the Land Conservation Advisory Board is the Agriculture and Land Resources Department, 49 Mount Carmel Rd., Asheville, NC 28806.

B. Membership

The Land Conservation Advisory Board shall consist of nine (9) members and shall be appointed by the Buncombe County Board of Commissioners.

C. Terms

- i. Members shall be appointed by the Buncombe County Board of Commissioners for terms of three (3) years.
- ii. Any vacancy on the Land Conservation Advisory Board regardless of how created shall be filled by appointment of the Board of Commissioners for the unexpired term of the vacant position.

D. Officers

1. Chair and Vice-Chair

The Land Conservation Advisory Board members shall appoint a Chairperson and Vice-Chairperson from its membership by majority vote to serve a one (1) year term and until his or her successor is appointed by the Land Conservation Advisory

Board. Said appointments shall be made during the first regularly scheduled meeting of each fiscal year and shall take effect immediately upon the successful majority vote.

2. Secretary

The Agriculture and Land Resources Department Director or the Director's designee shall be the secretary of the Land Conservation Advisory Board. The secretary of the Land Conservation Advisory Board shall have no voting privileges. The secretary of the Land Conservation Advisory Board shall prepare meeting agendas; shall keep a true and accurate account of all proceedings of Land Conservation Advisory Board meetings; shall issue notices of all regular meetings and, on the authorization of the chairperson; shall issue the call for special meetings; shall maintain the minutes and other records of the Land Conservation Advisory Board; and shall notify the Clerk to the Board of County Commissioners of any vacancies on the Land Conservation Advisory Board.

E. Land Conservation Advisory Board Meetings

1. Regular Schedules

- a) The Land Conservation Advisory Board shall hold a regular meeting on the third Wednesday of every month at 8:00 a.m. The meeting shall be held at the first floor conference room of 9 Mount Carmel Rd., Asheville, NC 28806.
- b) In accordance with North Carolina's open meetings laws, the schedule of regular meetings shall be filed with Clerk to the Buncombe County Board of Commissioners and shall be posted on Buncombe County's Website.

2. Special Meetings

- a) The Chairperson or three of the members of the Land Conservation Advisory Board may at any time call a special meeting of the Land Conservation Advisory Board by signing a written notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call the meeting shall cause the notice to be mailed, emailed, or delivered to the Chairperson and all of the Land Conservation Advisory Board members or left at the usual dwelling place of each member at least 48 hours before the meeting and shall cause a copy of the notice to be posted at the door of its usual meeting room and on the building in an area accessible to the public at least 48 hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.
- b) If a special meeting is called to deal with an emergency, the notice requirements of this rule do not apply. However, the person or persons

who call an emergency special meeting shall take reasonable action to inform the other members and the public of the meeting. Only business connected with the emergency may be discussed at the meeting.

3. Agenda

The Secretary shall have administrative oversight in preparing the agenda for the meeting. Any individual or group who wishes to have an item of business placed on the agenda shall make a request to be on the agenda to the Secretary no later than two (2) weeks prior to the next scheduled meeting. The request must be in writing and must state the nature of the matter so that the Secretary or appropriate staff will have an opportunity to respond to the area of concern. If appropriate, the Secretary will resolve the request and, if not, the Secretary will determine when the individual or group should be placed on the agenda. The time limit for any individual or representative addressing the Land Conservation Advisory Board shall be five minutes, unless a majority of the Land Conservation Advisory Board agrees to additional time. The Land Conservation Advisory Board may by unanimous vote add an item that requires immediate action that is not on the agenda.

4. Public Comment

a) Public Comment at the Beginning of Meetings. There shall be a public comment period at the beginning of every regular meeting limited to three minutes for any individual or representative addressing the Land Conservation Advisory Board. Section XIII of the Policies and Procedures for the Buncombe County Board of Commissioners regarding public comment is incorporated by reference herein and the Land Conservation Advisory Board reserves the right to invoke its contents, in whole or in part, from time to time, at the discretion of the presiding Officer.

5. Presiding Officer

The Chair of the Land Conservation Advisory Board shall preside at Land Conservation Advisory Board meetings if such person is present. If the Chair is absent, the Vice-Chair shall preside. If the Chair and Vice-Chair are both absent, another member of Land Conservation Advisory Board designated by a majority vote of members present at the meeting shall preside. The Presiding Member shall have the following powers:

- To rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- To call a brief recess at any time;
- To adjourn in an emergency.

6. Quorum

A quorum shall be a simple majority of the Land Conservation Advisory Board. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members shall be counted as present for purposes of determining whether a quorum is present.

7. Voting

No vote may be taken without a quorum being present.

8. Minutes

The Secretary shall prepare minutes of each Land Conservation Advisory Board meeting. Copies of the minutes shall be made available to each Land Conservation Advisory Board member before the next regular Land Conservation Advisory Board meeting. At each regular meeting, the Land Conservation Advisory Board shall review the minutes of the previous regular meeting as well as any special or emergency meetings that have occurred since the previous regular meeting, make any necessary revisions, and approve the minutes as originally drafted or as revised. The public may obtain copies of Land Conservation Advisory Board meeting minutes at the Agriculture and Land Resources Department, 49 Mount Carmel Rd., Asheville, NC 28806:

<https://www.buncombecounty.org/governing/depts/soil/board-land-conservation.aspx>

9. Absences

The attendance of Land Conservation Advisory Board members shall be recorded in the minutes.

F. Amendments to Operating Procedures

These operating procedures may be amended at any regular meeting or at any properly called special meeting that includes amendment of the operating procedures as one of the stated purposes of the meeting. A quorum must be present at the meeting at which amendments are discussed and approved, and any amendments must be approved by a majority of the members present at the meeting.

G. Other Procedural Matters

1. Action by the Land Conservation Advisory Board

- a) The Land Conservation Advisory Board shall proceed by motion. Any member, including the Chairperson, may make a motion. A motion need not a second.
- b) A member may make only one motion at a time.

- c) A substantive motion is out of order while another substantive motion is pending.
- d) A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.
- e) The Chairperson shall state the motion and then open the floor to debate on it.

The Chairperson shall preside over the debate according to these general principles:

- i. The introducer (the member who makes the motion) is entitled to speak first;
 - ii. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
 - iii. To the extent possible, the debate shall alternate between opponents and proponents of the measure.
- 2. In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.
- 3. In order of priority (if applicable), the procedural motions are:
 - a) **To Adjourn.** The motion may be made at any time by a member of the Land Conservation Advisory Board and would require majority vote.
 - b) **To Take a Recess.**
 - c) **Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity or it is waived.
 - d) **To Suspend the Rules.** The motion requires a vote equal to a quorum.
 - e) **To Divide a Complex Motion and Consider It by Paragraph.**
 - f) **To Defer Consideration.** A substantive motion whose consideration has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.
 - g) **Call of the Previous Question.** The motion is not in order until every member of the Land Conservation Advisory Board has had at least one opportunity to speak.
 - h) **To Postpone to a Certain Time or Day.**
 - i) **To Refer to a Committee.** Sixty days after a motion as been referred to a committee, the introducer may compel consideration of the measure by the entire Land Conservation Advisory Board, regardless of whether the committee has reported the matter back to the Land Conservation Advisory Board.
 - j) **To Amend.** An Amendment to a motion must be germane to the subject matter of the motion, but it may achieve the opposite effect of the motion. Any amendment to a proposed ordinance shall be reduced to writing on the call of

any member, including the Chairperson.

- k) **To Revive Consideration.** The motion is in order at any time (100 days) after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires (100 days) after the deferral, unless a motion to revive consideration is adopted.
- l) **To Reconsider.** The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was taken. The motion cannot interrupt deliberation or a pending matter but is in order at any time before adjournment.
- m) **To Rescind or Repeal.**
- n) **To Ratify.**
- o) **To Prevent Reconsideration for Six Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months.
- p) **To Renew a Motion.** A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.
- q) **Withdrawal of a Motion.** A motion may be withdrawn by the introducer at any time before a vote.
- r) **Duty to Vote.** Once a meeting has been convened, every member, including the Chairperson, must vote unless excused by a majority vote of those members present. A member who wishes to be excused from voting shall so inform the Chairperson, who shall take a vote of the remaining members. The Land Conservation Advisory Board may excuse a member from voting, but only upon questions involving his or her own financial interest or his or her official conduct or on matters on which the member is prohibited from voting under N.C. Gen. Stat. § 14-234. For purposes of this rule, the question of the compensation and allowances of members of the Land Conservation Advisory Board does not involve a member's own financial interest or official conduct. Refusal to vote (without just cause) shall be recorded as an affirmative vote.

H. Compliance with North Carolina Law

In conducting its business, the Land Conservation Advisory Board shall comply with all applicable North Carolina laws, including but not limited to open meetings laws, public records laws, and the laws setting forth the powers and duties of local Land Conservation Advisory Boards. To assist the Land Conservation Advisory Board in compliance, the Secretary shall maintain a current copy of relevant North Carolina General Statutes and make them available to Land Conservation Advisory Board members on request.

III. Applicability and Exceptions: This procedure applies to current members of the Land Conservation Advisory Board for Buncombe County

IV. Procedure Responsibility and Management:

- This procedure should be reviewed annually by the Land Conservation Advisory Board and the County's legal department.

- New Land Conservation Advisory Board members will receive a copy of the Land Conservation Advisory Board Operations Manual and review it as part of their orientation.

V. Reference to Flemming Bell's Rules for Small Boards:

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the Land Conservation Advisory Board shall refer to the most current edition of Flemming Bell's Rules for Small Boards for unresolved procedural questions.