

**RESOLUTION OF THE CHARLOTTE CITY COUNCIL ESTABLISHING ITS POLICIES AND PROCEDURE FOR PUBLIC NOTIFICATION, NOMINATION, AND APPOINTMENT OF PERSONS TO BOARDS, COMMITTEES, AND COMMISSIONS, AND STATING CITY POLICIES FOR CONSECUTIVE TERMS, OATHS OF OFFICE, RESIDENCY, AND ATTENDANCE, AND FOR THE SUBMITTAL OF ANNUAL REVIEW REPORTS OF BOARDS AND COMMISSIONS.**

The February 11, 2019 Resolution of the Charlotte City Council amending the Policies and Procedure for Public Notification, Nomination, and Appointment of Persons to Boards, Committees, and Commissions, and stating City Policies for Consecutive Terms, Oaths of Office, Residency, and Attendance, and for the Submittal of Annual Review Reports of Boards and Commissions, recorded at Resolution Book 49, page 327 is hereby amended to read as follows:

**RESOLUTION OF THE CITY OF CHARLOTTE CITY COUNCIL ESTABLISHING ITS POLICIES AND PROCEDURES FOR PUBLIC NOTIFICATION, NOMINATION, AND APPOINTMENT OF PERSONS TO BOARDS, COMMITTEES, AND COMMISSIONS, AND STATING CITY POLICIES FOR CONSECUTIVE TERMS, OATHS OF OFFICE, RESIDENCY, ATTENDANCE, AND REMOTE PARTICIPATION, AND FOR THE SUBMITTAL OF ANNUAL REPORTS OF BOARDS AND COMMISSIONS.**

WHEREAS, the City Council of the City of Charlotte, NC, has reviewed its policies and process for public notification of vacancies, nominating, and appointing volunteer citizens to boards, committees, and commissions, and

WHEREAS, the City Council has reviewed city policies regarding, consecutive terms, residency, attendance, remote participation options, and review reports of boards, committees, and commissions;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that it hereby establishes the following policies and procedures for public notification, nomination, and appointment of persons to boards, committees, and commissions, and states the City's policies regarding consecutive terms, residency, attendance, remote participation by board members, and submittal of reports by boards, committees, and commissions as follows:

**Section 1. PROCESS FOR PUBLIC NOTIFICATION, NOMINATIONS AND APPOINTMENTS**

Appointments to boards, committees, and commissions shall be made monthly. City Council may nominate one person for appointment to each of the positions to be filled by Council. After nominations are closed, no further nominations may be made. If a person receives at least six nominations, the appointment may be made upon a motion, second and voice vote of Council at the same meeting at which the nomination is made. Only applicants receiving two or more nominations shall be brought forward for consideration during appointments.

At least four weeks prior to nominations, the city shall publicize vacancies to be filled by appointment of the Council as follows: (i) the City Clerk will provide the Council with a list of upcoming vacancies; and (ii) the City Clerk shall provide such information to the public through the city's website, the GOV Channel, social media, and other opportunities.

Any vacancies created by resignation or automatic removal shall be included with the next group of monthly nominations. Terms expiring during any month shall remain filled by the person then holding the position until a successor is appointed and qualified.

By nominating a person who has not submitted an application for the subject board, committee, or commission, the nominating Council Member certifies that the person has indicated an interest in serving and that the nominee will submit an application with the City Clerk's Office by noon the day before the appropriate Council agenda for appointment is delivered to Council. If such application is not made, the nomination will be deemed to have been withdrawn. The City Clerk's Office will notify the nominee of the actual deadline for submitting the application the day following the nomination. At the next business meeting after the close of nominations, the Council shall vote on the nominees for the positions to be filled. The appointments shall be determined by written ballot. A ballot containing the names and districts of nominees shall be distributed to each Council Member.

Each Council Member shall vote for a nominee, sign the ballot and return it to the City Clerk at the beginning of the dinner briefing. The City Clerk shall tally and announce the votes and the results.

In accordance with the City Charter, no nominee shall be deemed appointed unless he or she receives at least six votes. At the dais, Council shall be provided with a hard copy of the voting results and any run-offs required. If no nominee receives at least six votes on the first ballot, a second ballot (or vote) shall be cast. Only the top two vote getters shall be candidates on the second ballot. If as a result of the first ballot a tie vote situation produced more than two top vote getters, (i.e., 3-3-3-2; 5-3-3; 4-2- 2-2-1), the Council shall cast ballots (or vote) on the top candidates to narrow the field of candidates to two. Then a third ballot (or vote) shall be cast on the top two vote getters. If no nominee receives at least six votes after the third ballot, all nominations shall lay on the table until the next regular meeting, at which time balloting shall be done in accordance with this paragraph.

Criminal background checks are required for nominees of the following boards:

Charlotte Regional Visitors Authority	Domestic Violence Advisory
Board Civil Service Board	INLIVIAN
Housing Appeals Board	Citizens' Review Board
Passenger Vehicle for Hire	Zoning Board of Adjustment

A nominee to the Citizens Review Board who has a felony or Class A1 misdemeanor conviction or a Class 1 or Class 2 misdemeanor conviction within three years of the date of nomination shall not be eligible to serve. Appointments to the other listed boards may be denied for those persons convicted of crimes against a person, or crimes against property where intent is an element, or any offense involving drugs, alcohol, or gambling. Other crimes may also be considered by the Council in making appointments.

Current and former City employees, and the spouse, parents, and children of a current or former CMPD officer shall not be eligible to serve on the Citizens Review Board.

Current and former City employees, and the spouse, parents, and children of a current or former CMPD officer or CFD firefighter shall not be eligible to serve on the Civil Service Board.

Any departure or deviation from the above process shall not affect the validity of an otherwise valid Council appointment.

## Section 2. **CONSECUTIVE TERMS/MULTIPLE BOARDS**

No member of any board, committee, or commission may serve more than two full consecutive terms. After serving two full consecutive terms, a person must be off that board, committee, or commission for one full term before being eligible for appointment to the same body. An exception to this rule may be made on a case-by-case basis (i.e. a need for continuity or experience).

An individual may not on more than two boards, committees, or commissions at one time.

## Section 3. **OATHS OF OFFICE/ORIENTATION**

For a board, committee, or commission requiring an oath of office, a new member may not vote on any matter until the oath of office has been administered. Reappointed members shall also be administered the oath of office.

Staff advisors shall conduct an orientation session for new members with the chair in attendance prior to or at the first regular meeting after appointment. Expectations shall be given concerning attendance, conflicts of interest, information on City Government, etc.

## Section 4. **RESIDENCY REQUIREMENTS**

A member of any board, committee, or commission must at all times be a resident of Mecklenburg County.

Exceptions to the above statement may exist for some boards for purposes of regional membership. Any exceptions will be handled on a case-by-case basis.

Members of the Civil Service Board and the Citizens Review Board are required to be registered voters of Mecklenburg County at all times.

#### Section 5. **ATTENDANCE POLICY**

In order for a board, committee, or commission to be effective and efficient, and to accomplish its purpose, its membership must be actively involved and attendant to the business of the body. Therefore, all members are required to attend at least 65% of the regular and special meetings of the body and assigned committees and subcommittees held in any one calendar year with **NO EXCUSED ABSENCES**. On January 1 of each year, a member of any board, commission, or committees appointed by the Mayor, Council or City Manager shall be automatically removed from said body for failure to attend at least 65% of all regular and special meetings of the body and assigned committees and subcommittees held during the immediately preceding calendar year. For persons not serving for an entire calendar year, the 65% attendance requirement shall apply to meetings held during the portion of the year during which the person served. In order to be eligible for reappointment to a board, committee, or commission, a member must have attended at least 75% of the regular and special meetings of the body and assigned committees and subcommittees during the concluding term, or portion of the term during which the member served. In addition, any member of a board, commission or committee shall be automatically removed from said body for failure to attend any **THREE CONSECUTIVE REGULAR MEETINGS** of the body. A member must attend fifty percent (50%) of a meeting in order to be considered in attendance for the purposes of this policy. Members appointed in the fourth quarter of the year shall be exempt from the 65% attendance rule for that calendar year only, but are still subject to the three consecutive meeting policy.

For purposes of the attendance policy, a member's remote participation shall count toward the attendance requirements.

The City Clerk shall send a letter to anyone who is removed from a board, committee, or commission for failure to meet the attendance policy. Vacancies resulting from the removal of a member shall be filled by the same method as provided for initial appointments.

The City Clerk shall send a letter to any member who is in danger of violation of the attendance requirement, asking them to be mindful of said requirement.

Staff advisors shall file attendance reports with the City Clerk pursuant to the schedule established by the City Clerk.

This attendance policy shall apply to every member of a board, committee, or commission that is part of the City of Charlotte regardless of who appoints the member. In addition, this attendance policy shall apply to all appointees by the City Council to a board, committee, or commission that is not part of the City of Charlotte.

Section 6. **REPORTS OF BOARDS, COMMITTEES, AND COMMISSIONS REMOTE PARTICIPATION**

Boards, committees, or commissions members serving in an advisory capacity may determine the feasibility of remote participation in accordance with applicable law, City Council's Rules of Procedure, and the board, committee, or commission's Rules of Procedure, if applicable. All boards, committees, and commissions shall meet in-person when serving a quasi-judicial function or engaging in final-decision making as required by law.

Members authorized to participate in meetings remotely may fully participate in all discussions and votes on the business of the body, and their remote participation shall be counted toward a quorum.

All votes of those participating remotely shall be conducted via an audible roll call. The chairperson shall announce the voting result including the number of members voting on each side of the question. The presence of quorum shall be established by audible roll call at the beginning of the meeting. Thereafter, the continued presence of a quorum shall be determined by the online list of remotely participating members and their video, on-camera presence.

Section 7. **CONFLICT OF INTEREST REPORTS OF BOARDS, COMMITTEES, AND COMMISSIONS**

The City Council finds it appropriate to periodically review each standing board, committee, and commission to which they make appointments for the purpose of assessing whether said board, committee, or commission should be renewed, dismantled, expanded or its charge redefined. To this end, each board, committee, and commission that is part of the City, or that was established by the City Council, whether acting alone or in conjunction with one or more other local governments, is required to submit annual written reports that must contain in depth reviews of the body's activities including goals, objectives, successes, problems, and/or the need for City Council assistance. These reports shall be submitted to the City Clerk and will be staggered through the year according to a schedule established by the City Clerk. The City Clerk shall then provide the Mayor and City Council with copies of the reports and refer the reports to the appropriate Council Committee for the Committee's information.

Boards, committees, and commissions that are not part of the City shall submit reports in accordance with the reporting requirements set forth in their contract, if any, with the City.

In addition to required written reports, the City Council may request on a case-by-case basis that an oral report be made to the Council.

Section 87. **REPEALER CONFLICT OF INTEREST**

Council's January 24, 1983 Conflict of Interest Resolution established for boards, commissions, and committees shall continue as it is in its entirety, subject to the provisions of City Council's Resolution adopting the Code of Ethics, Gift Policy, and Disclosure Requirements for Boards and Commissions and applicable law, including subsequent amendments to said policy or law.

Section 98. **REPEALER**

All prior resolutions of the City Council establishing procedures for the public notification, nomination, and appointment of persons to boards, committees, and commissions, and setting forth the City's policies for consecutive terms, oaths of office, residency, attendance, and review reports are, except to the extent that they are supplementary to and consistent herewith, are hereby repealed. This repeal includes, but is not limited to, resolutions recorded at Resolution Book 34, Pages 578- 582, Resolution Book 36, Page 148, Resolution Book 38, Page 277, and Resolution Book 47, Pages 585-589, Resolution Book 48, Pages 489-493, and Resolution Book 49, Pages 327-331.