

Posted: _____
Time Posted: _____
Posted By: Evelyn Baker
Witnessed By: _____

**MINUTES OF THE ORGANIZATIONAL MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
DECEMBER 4, 2006**

The Jackson County Board of Commissioners met in an Organizational Meeting on Monday, December 4, 2006, at 7:00 p.m., Justice & Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman
Joe Cowan, Commissioner
Mark Jones, Commissioner
Tom Massie, Commissioner
William Shelton, Commissioner
Kenneth L. Westmoreland, County Manager
W. Paul Holt, County Attorney
Evelyn Baker, Clerk to the Board

Chairman McMahan called the meeting to order.

The Honorable Bradley B. Letts performed the swearing in ceremony of the newly elected Board of Commissioners. Plaques were presented to the previous Board members in appreciation for their service.

AGENDA: Chairman McMahan added Request for County Manager to draft a Resolution concerning the Land for Tomorrow Bond issue for board consideration. Commissioner Cowan moved to approve the amended Agenda. Commissioner Shelton seconded the Motion. Motion carried.

(1) STAGGERED TERMS: Pursuant to a Resolution adopted by the Board of Commissioners on March 21, 2002 which states in part:

“The two candidates who are elected with the highest number of votes shall be elected for four-year terms. The two candidates receiving the next highest number of votes shall be elected for two-year terms.”

Based upon the results of the general election as verified by a letter from the Director of the Board of Elections, Commissioners Shelton and Massie received the highest number of votes and will be serving four-year terms. Commissioners Jones and Cowan received the lowest number of votes and will be serving two-year terms.

Commissioner Cowan moved to accept the verified election results and designation of terms. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

(2) **VICE CHAIR**: Chairman McMahan moved to appoint Joe Cowan as Vice Chair. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(3) **BONDS FOR SHERIFF & REGISTER OF DEEDS**: Commissioner Massie moved to renew Bonds for the Sheriff and Register of Deeds. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(4) **CLERK TO BOARD**: Chairman McMahan moved to re-appoint Evelyn B. Baker as Clerk to the Board. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote. Ms. Baker accepted the position.

(5) **COUNTY ATTORNEY**: Commissioner Jones moved to re-appoint W. Paul Holt, Jr. as County Attorney. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote. Mr. Holt accepted the position.

(6) **RULES OF PROCEDURE**: Chairman McMahan recommended that the *Suggested Rules and Procedures, Third Edition*, by Joseph S. Ferrell and issued by the Institute of Government be adopted with the understanding that the Board may deviate from those rules if it chooses to do so.

Chairman McMahan called specific attention to:

(a) **Rule 15, Second Not Required**. He recommended that all Motions require a second.

(b) **Rule 23, Duty to Vote**. “A member who fails to vote, not having been excused, shall be recorded as voting in the {affirmative} {negative}”. He recommended that failure to vote be recorded as an affirmative vote. Further, he recommended an exception to Rule 23 so that a Commissioner may request and be granted permission not to vote, or abstain, because of a conflict of interest.

(c) **Rule 9, Agenda**. He recommended that all agenda requests be submitted to the Clerk or County Manager one week prior to the first meeting of each month.

Commissioner Massie moved to adopt the Rules of Procedure with the stated recommendations and exceptions. Commissioner Shelton seconded the Motion. Motion carried by unanimous vote.

(7) **MEETING DAYS**: Commissioner Shelton moved to schedule the Regular Meetings of the Board on the first and third Monday of each month at 6:00 pm. and Public Hearings to be scheduled as needed at 5:00-5:30 pm on those dates. Commissioner Cowan seconded the Motion. Motion carried by unanimous vote.

(8) **CONSENT AGENDA**: Chairman McMahan explained that a consent agenda is a mechanism to expedite consideration of routine and non-controversial agenda items, i.e., monthly finance and tax collector’s reports, routine bids, etc.; however, any item can be removed by request of a Commissioner and placed on the regular discussion Agenda. Commissioner Cowan moved to adopt a Consent Agenda as a part of the Board’s Rules

and Procedures. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(9) APPOINTMENTS TO BOARDS AND COMMISSIONS: Chairman McMahan stated that the Commissioners are required by state statute to serve on various boards and commissions in the county and have volunteered to serve as follows:

Mountain Projects Board of Directors: Commissioner Massie

Board of Health: Commissioner Jones

Criminal Justice Partnership Program Advisory Board: Commissioner Shelton

Grievance Committee: Commissioner Shelton

Transportation Board: Commissioner Shelton

Juvenile Crime Prevention Council: Commissioner Jones

Transit Transportation Board: Chairman McMahan

Emergency Food & Shelter Board: Commissioner Cowan

Personnel Committee: Chairman McMahan and Commissioner Cowan

Smoky Mountain Mental Health Board: Commissioner Cowan

Council on Aging: Commissioner Jones

911 Road Naming Board: Commissioner Massie and Commissioner Shelton

WNC Caucus Board: Commissioner Massie

Fire Commission/Emergency Services: Chairman McMahan

Commissioner Coward moved to approve the appointments. Commissioner Massie seconded the Motion. Motion carried by unanimous vote.

(10) RESCIND ORDER R04-21: Commissioner Massie moved to rescind Order R04-21 dated June 15, 2004 requiring that all Department Heads attend the first Board Meeting of each month. Commissioner Shelton seconded the Motion. Commissioner Massie stated the reason for rescinding the Order is not that the Board does not want department heads at the meetings since it is important for department heads as well as the public to understand what the Board is doing; however, they should not be required to attend unless they have business before the Board. Motion carried by unanimous vote.

(11) LAND FOR TOMORROW BOND ISSUE RESOLUTION: Commissioner Massie stated that the North Carolina General Assembly 2006 Short Session appointed a Legislative Study Commission to look at the issues of land and water conservation throughout the state and in particular to review the Land for Tomorrow Bond issue that has been proposed to the General Assembly. Jackson County is very fortunate because Senator Snow and Representative Haire were appointed to the Study Commission. He suggested that the Board adopt a formal position to support or not support the bond issue and requested that a Resolution be placed on the December 18th Agenda. The Study Commission will hold its first of three statewide meetings in Asheville on January 4th. The meetings are for the purpose of gathering information from local officials and the general public concerning the bond issue. Mr. Westmoreland was directed to draft a Resolution for the Board's consideration.

(12) AGING DEPT. ADULT DAY CARE PROGRAM: Mr. Westmoreland stated that an unexpected issue has arisen that requires the Board's consideration. He has been informed that the Love's Chapel Methodist Church will be suspending the adult day care program at the end of January. The Board needs to consider whether it should be assumed by the county or encourage that it be placed at another location. He suggested that a Work Session be scheduled to discuss this issue. Chairman McMahan scheduled a Work Session on December 18th at 4:00 pm.

Commissioner Shelton moved that the meeting be adjourned. Commissioner Massie seconded the Motion. Motion carried and the meeting adjourned at 7:35 p.m.

Attested By:

Approved:

Evelyn B. Baker, Clerk to the Board

Brian Thomas McMahan, Chairman