

**MINUTES OF AN
ORGANIZATIONAL MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
DECEMBER 07, 2020**

The Jackson County Board of Commissioners met in an Organizational Meeting on December 07, 2020, 12:00 pm, Jackson County Public Library 310 Keener Street, Community Room, Sylva, North Carolina.

Present: Brian McMahan, Chairman	Don Adams, County Manager
Boyce Deitz, Vice Chair	Heather C. Baker, County Attorney
Mark Jones Commissioner (via Zoom video conferencing)	Angela M. Winchester, Clerk
Tom Stribling, Commissioner	
Gayle Woody, Commissioner	

Chairman McMahan called the meeting to order for the Swearing-In Ceremony.

Angela M. Winchester, Clerk to the Board, performed the swearing in ceremony of Commissioner Stribling. Commissioner Jones had already taken his oath.

Commissioner Stribling stated that he was very thankful for the people of Jackson County voting for him. He was looking forward to working with the Board. He thought they were all going to get along well and get a lot accomplished in the county.

Commissioner Jones thanked them for having the meeting. He was excited about being back on the Board and was ready to get to work.

Chairman McMahan called the meeting to order for the Organizational Meeting.

(1) **AGENDA**: Commissioner Woody moved to approve the Agenda. Commissioner Deitz seconded the Motion. Motion carried.

(2) **VICE CHAIR**:

Motion: Commissioner Woody moved to appoint Commissioner Deitz as Vice Chair. Commissioner Jones seconded the Motion. Motion carried by unanimous vote.

(3) **RULES OF PROCEDURE**: Chairman McMahan stated that the Board had been using the Suggested Rules of Procedure for the Board of County Commissioners, Fourth Edition, 2017, by Trey Allen, North Carolina School of Government. There were suggested modification to the rules. He requested that Ms. Baker review the rules that would be requested for modification.

Ms. Baker presented the “Suggested Rules”, with the modifications specified. Each section stated was adopted as a modification to the section of the Rule stated in the Suggested Rules. If a section was not reprinted or modified below, it remained as stated in the Suggested Rules, including any option in parenthesis or brackets. If a section modified below was followed by ..., this meant that the remaining or unmodified section or sections remained as stated in the Suggested Rules.

Rule 1. Applicability of Rules: These rules apply to all meetings of the Board of Commissioners of *Jackson County*...

Rule 3. Remote Participation in Board Meetings:

- (a) A member who is not physically present for a board meeting and provides at least 24-hour notice to the County Manager, may take part in debate in the meeting by electronic means but may neither be counted toward a quorum nor may be the deciding vote on any matter before the board.
- (b) During a State-Level Declared Emergency, the Board will follow the provisions for Remote Meetings set forth in G.S. 166A-19.24.

Rule 8. Organizational Meeting; Selection of Vice Chair

- (a) Requirement to Hold Organizational Meeting. The board shall hold an organizational meeting each December to take the actions set out in this rule.
- (b) Scheduling Organizational Meeting
 - (1) *Even-Numbered Years.* The board shall hold an organizational meeting at its regular meeting place at a time to be determined on the first Monday in December of each even-numbered year.
 - (2) *Odd-Numbered Years.* The board shall hold an organizational meeting during its first regular meeting in December.
- (c) Order of Business
 - (1) *Even-Numbered Years*
 - (A) As the first order of business at the organizational meeting, all persons elected or reelected to the board at the most recent county election must take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution, unless they did so earlier in the day. They must then take the General Oath prescribed by G.S. 11-11. Each member's constitutional oath must be filed with the Clerk to the Board. Although a newly elected or reelected member who has not yet been sworn and who is not present for the organizational meeting may be sworn in later, the member must take, subscribe, and file the constitutional oath and take the G.S. 11-11 oath before he or she begins performing any of the duties of the member's office.
 - (B) As the second order of business, the board shall elect a vice chair from among its members using the procedure specified in Rule 39.
 - (C) As the third order of business, the board shall approve the bonds of the Sheriff and the Register of Deeds and induct any other newly elected county officials into office.
 - (2) *Odd-Numbered Years.* As the first order of business, the board will elect the vice chair.
- (d) Presiding Officer. If the newly elected chair has not been sworn prior to the organizational meeting, the outgoing chair shall call the organizational meeting to order and preside until the newly elected chair has been sworn. If the organizational meeting takes place during an even-numbered year in which the outgoing chair has lost his or her seat on the board, the clerk to the board shall fill the role of presiding officer until the newly elected chair is sworn. Once sworn, the new chair shall preside.

Rule 9. The vice chair shall serve at the board's pleasure.

Rule 10. The board shall hold a regular meeting on the first and third _____ of each month, except that if a regular meeting day is on a holiday on which county offices are closed, the meeting shall be rescheduled or canceled. The meeting shall be held in the Commissioners board room and begin at _____pm on the first _____ and at _____pm on the third _____. The board shall adopt a resolution establishing the meeting schedule each year consistent with this rule. For purposes of these rules, a work session of the board constitutes a regular meeting if it appears on the board's duly adopted schedule of regular meetings. In all other cases, a work session is a special meeting to which the provisions of Rule 11 apply.

Rule 15. Agenda

(a) Draft Agenda

(1) Preparation. The Clerk to the board shall prepare a draft agenda in advance of each meeting of the board. For a regular meeting, a request to have an item of business placed on the draft agenda must be received by the Clerk to the board or the County Manager at least four working days before the date of the meeting. The clerk must place an item on the draft agenda in response to a board member's timely request....

Rule 17. Agenda Items from Members of the Public

If a member of the public wishes to request that the board include an item on its regular meeting agenda, he or she must submit the request to the County Manager at least five working days before the date of the meeting. The board is not obligated to place an item on the agenda merely because such a request has been received.

Rule 18. Order of Business. Items shall be placed on a regular meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

- Call to Order
- Approval of Agenda
- Approval of Minutes
- Administrative Reports
- Informal Comments by Public
- Consent Agenda
- New Business
- Old Business
- Legislation
- Appointments
- Press Conference
- Closed Session

Rule 19. The Chair ...

(b) Voting by the Chair. The chair has the same duty to vote as other members, though in no event may the chair break a tie on a motion on which he or she has already voted....

Rule 21. When the Presiding Officer is Active in Debate. If the chair becomes active in debate on a particular proposal, he or she may have the vice chair preside during the board's consideration of the matter. If the vice chair is absent or is also actively debating the matter, the chair may designate another member to preside until the matter is concluded. Similarly, if while presiding, the vice chair or temporary chair wishes to join in debating a topic, he or she may designate another member to preside for the duration of the board's consideration of the matter.

Rule 23. Second Required. A second is required on all motions.

Rule 29. Duty to Vote

(a) Duty to Vote. Every board member must vote except when excused from voting as provided in this rule...

(d) Consequence of Non-Excused Failure to Vote. If a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote, provided...

Rule 33. Introduction of Ordinances. For purposes of these rules, the "date of introduction" for a proposed ordinance is the first date on which the proposed ordinance appears on the approved agenda for a board meeting.

Rule 38. Appointments...

(b) Nomination and Voting Procedure for Appointed Bodies. The board shall use the following procedure to appoint individuals to bodies over which it has the power to appoint. The chair shall open the floor for nominations, whereupon board members may put forward and debate nominees. When debate ends, the chair shall call the roll of the members, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast during a single balloting.

Ms. Baker asked if the Board had any questions?

Commissioner Deitz asked when it would be appropriate for the Board to discuss members that missed the meetings in person?

Chairman McMahan stated there were no guidelines in the state, to his knowledge, that required attendance. It was highly recommended for members to attend, but they knew exceptions did happen with members being sick or having conflicts from time to time that would cause them to occasionally miss. If there were large periods or prolonged absences and the Board felt it was an issue they could address that.

Ms. Baker stated that there was not a rule. Because Commissioners were elected officials and were elected by the people, there was not a rule or law stating how many meetings could be missed. Typically, the will of the people and an election would take care of the issue.

Chairman McMahan asked if they could adopt a non-binding resolution stating their strong opinion.

Ms. Baker stated they could do that which could potentially lead to censure as the only real enforcement available to the Board.

Chairman McMahan stated they could explore this option and requested staff to draft a resolution to give them guidance on how to handle this situation.

Commissioner Deitz stated that he thought they should. If there was an understanding they could put forth that the Board could say this was why they did this.

Commissioner Stribling stated that they only reason they should be missing meetings would be because of a death in the family, if they Covid or something to that effect.

General discussions were held.

Chairman McMahan stated that the current schedule was as follows:
 First Tuesday of each month – Regular Meeting at 6:00 p.m.
 Second Tuesday of each month – Work Session at 1:00 p.m.
 Third Tuesday of each month – Regular Meeting at 1:00 p.m.

Commissioner Jones stated that he had no changes to the current schedule.
 Commissioner Stribling stated that he had no changes to the current schedule.
 Commissioner Woody stated that she had no changes to the current schedule.
 Commissioner Deitz stated that he had no changes to the current schedule.

Motion: Commissioner Woody moved to adopt the Rules of Procedure and the stated modifications with regular meetings be scheduled on the first Tuesday of each month at 6:00 p.m., the third Tuesday of each month at 1:00 p.m. and a work session to be scheduled on the second Tuesday of each month at 1:00 p.m. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.

(4) COMMISSIONER APPOINTMENTS-BOARDS/COMMISSIONS:

<u>Commissioner</u>	<u>Board</u>
Brian McMahan	CTP Steering Committee
Brian McMahan	Road Naming Board
Brian McMahan	Southwestern Commission RPO
Brian McMahan	Vaya County Commissioner Advisory Board
Boyce Deitz	Fire Commission
Boyce Deitz	Juvenile Crime Prevention Council
Boyce Deitz	Mountain Projects
Boyce Deitz	Transit Advisory Board
Gayle Woody	Recreation and Parks Advisory Board
Gayle Woody	Road Naming Board
<i>Tom Stribling</i>	<i>Council on Aging</i>
<i>Gayle Woody</i>	<i>Emergency Food & Shelter</i>
<i>Mark Jones</i>	<i>Public Library</i>
<i>Mark Jones</i>	<i>Tourism Development Authority</i>

General discussions were held.

(a) Commissioner Jones stated that he would request to be considered for the Public Library and Tourism Development Authority appointments.

(b) Commissioner Stribling stated he would request to be considered for the Council on Aging appointment.

(c) Commissioner Woody requested to be considered for the Emergency Food and Shelter Board.

Commissioner Woody requested that the county website reflect the Boards and Committees that each Commissioner served on. She also asked how they would receive updates from TWSA?

Chairman McMahan stated that they could request the TWSA Executive Director to attend future meetings to provide updates or the designated county representatives on the TWSA Board.

Motion: *Commissioner Deitz moved to approve the appointments as listed and stated. Commissioner Woody seconded the motion. Motion carried by unanimous vote.*

There being no further business, Commissioner Deitz moved to adjourn the meeting. Commissioner Stribling seconded the Motion. Motion carried and the meeting adjourned at 12:37 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman