

## ATTACHMENT A

### RESOLUTION REQUESTING CHANGES IN THE ADVISORY BOARD APPOINTMENT AND TRAINING PROCESS Resolution No. 103/2007-08

WHEREAS the Board of Aldermen periodically revisit the structure and function of their advisory boards, and

WHEREAS a number of concerns have been raised in recent months, and

WHEREAS the Board has had a full discussion of the issues and proposals contained in this agenda item,

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that:

Section 1: The Advisory Board Appointment Guidelines be amended to reflect current practice, which is to accept applications year round, make appointments when there are vacancies, and to hold onto applications until an applicant is appointed or is unresponsive to further inquiries. Further, advisory board appointees appointed to unexpired terms of 6 or fewer months will also be simultaneously appointed to the following 3 year term. A draft of these changes will be brought back to the Board.

Section 2: That advisory board chairs be encouraged to do everything they can to keep their boards at full strength and to follow-up appropriately and in a timely fashion (all the way through the process) with all applicants.

Section 3: That the advisory board starter guide be refined and updated so that it covers a number of the newer issues that have arisen. Also, in addition to giving this guide to all existing and new advisory board members, staff liaisons and board chairs should receive any necessary training themselves and be requested to emphasize the importance of the laws and policies within the starter guide to all members of their board(s).

Section 4: That advisory board chairs and Board of Aldermen shall work together to encourage all advisory boards with business before the Board of Aldermen to send at least one member to that Board of Aldermen meeting (not always the chair and not always the same member).

Section 5: That staff be asked to prepare draft ordinances which would, in light of the moribund status of the Cable Television Committee and the Cemetery Commission, hereby and forthwith dissolve those bodies.

GUIDELINES FOR SELECTING ADVISORY  
BOARD AND COMMISSION MEMBERS

Amended: 4/10/90, 6/27/2000, 1/15/2002, 4/9/2002, 4/18/2006, 2/27/2007

1. APPOINTMENTS

- a. Chairs of advisory boards make recommendations to the Mayor and Board of Aldermen for appointments to their respective boards. The Board of Aldermen will decide whether to accept the recommendation and make the appointment.
- b. The Mayor and Board of Aldermen and the advisory board chairs should work together to assure that the membership of the advisory board represents many sectors of the community and offers opportunities for new applicants to serve.
- c. In addition, applicants recommended should be committed to attending meetings, participating constructively in the work of the board, making fair decisions, and treating citizens, staff and other board members with respect
- d. Members are limited to two full terms. After completing two full terms, a member must take off one year before applying for re-appointment to the advisory board. However, a board member may apply to serve on another advisory board if he/she desires. The Board of Aldermen may make exceptions to this rule under the following circumstances:
  1. To retain diversity on an advisory board;
  2. To provide continuity in oversight of a major, on-going project;
  3. To keep a member who provides expertise otherwise unavailable on an advisory board (e.g., an engineer on the Planning Board or Board of Adjustment); or
  4. A lack of qualified applicants.
- e. Membership shall be limited to one seat on the following boards and commissions Board of Adjustment, Planning Board, Appearance Commission, Transportation Advisory Board, Recreation and Parks Commission, Cable T.V. Committee, Human Services Commission, Cemetery Commission, Environmental Advisory Board, Downtown Development Commission, Northern Transition Area Advisory Committee, Arts Committee and OWASA Board of Directors.
- f. Applicants serve three-year terms unless the applicant is filling an unexpired term.

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- e. Appointments begin on February 1<sup>st</sup>.

### 2. APPLICATIONS FOR EXPIRED TERMS

- a. Each October the Town Clerk will advertise that the town is accepting applications for upcoming openings on advisory boards and commissions in February.
- b. All candidates must complete an application to be considered for appointment or reappointment.
- c. Applications will be taken for 30 days.
- d. Applications received after the October 31st deadline will be kept on file for future vacancies.
- e. Applications will be maintained on file until the following October.
- f. The Town Clerk will notify all applicants in writing of receipt of his/her application and give a status report on his/her application.

### 3. APPOINTMENTS TO EXPIRED TERMS

- a. By November 15th, the Town Clerk shall forward copies of applications to the chairs of the boards and commissions and the Mayor and Board of Aldermen.
- b. Each chair shall contact his/her applicants and invite them to at least one meeting of their board so they may understand the responsibilities of the board and the necessary time commitment. (Chairs should contact Town staff in the event of a language barrier.) The chairs shall also talk with the applicants about their interest in serving on the advisory board. Board chairs may meet personally with applicants if a meeting of their board is not anticipated within 30 days following receipt of the applicant's request for appointment. This would be in lieu of having the applicant attend a meeting of that board or commission. If applicants do not attend a meeting after two phone calls or emails, then the Chair shall notify the Town Clerk of that fact and he/she will remove the application from consideration.
- c. By January 31st, the chair of each board shall make a written recommendation to the Mayor and Board of Aldermen for appointments to his or her board and complete an "APPLICANT(S) RECOMMENDED AT THIS TIME" form. This recommendation should include a brief explanation of how/why the selection was

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made. Copies of all applications and recommendation forms received shall be forwarded to the Mayor and Board of Aldermen.

- a. If there are more applicants than seats open, the Board Chair shall complete a **SUMMARY OF APPLICATIONS** form to submit with his/her recommendation(s).
- e. If there are no applicants for the Board in question, the Chair may contact applicants that have applied for other boards. Board chairs should contact the Town Clerk to obtain these applications.
- f. If a recommendation has not been received from board chairs by January 31st, the Town Clerk shall contact the chairs and request a status report on his/her recommendation.
- g. By February 15th, the Mayor and Board of Aldermen will make appointments to boards and commissions to fill expired terms.

#### 4. APPLICATIONS FOR UNEXPIRED VACANT TERMS

- a. If a vacancy occurs on a board or commission and the Town Clerk has two or more applications for that specific board or commission, no further advertisement will be necessary. If two or more applications are not on hand, the Town Clerk shall advertise the vacancy for one month.
- b. Upon receipt of any application, the Town Clerk shall notify the applicant in writing of receipt of his/her application and give a status report on whether vacancies exist.

#### 5. APPOINTMENTS TO UNEXPIRED TERMS

- a. Within two weeks following the one-month advertisement, the Town Clerk shall forward copies of applications to the chair of the board or commission on which the vacancy exists along with copies to the Mayor and Board of Aldermen.
- b. The chair shall contact his/her applicants and invite them to at least one meeting of their board so they may understand the responsibilities of the board and the necessary time commitment. (Chairs should contact the Town staff in the event of a language barrier.) The board chair may meet personally with applicants if a meeting of their board is not anticipated within 30 days following receipt of the applicant's request for appointment. This would be in lieu of having the applicant attend a meeting of that board or commission. If applicants do not attend a meeting after

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two phone calls or emails, then the Chair shall notify the Town Clerk of that fact and he/she will remove the application from consideration.

- c. Within four weeks following the advertisement, the chair shall make a written recommendation to the Mayor and Board of Aldermen for appointment to his/her board and complete an **APPLICANT(S) RECOMMENDED AT THIS TIME** form. This recommendation should include how the selection was made. The chair should consult with the Mayor or the liaison to the Board if they have concerns or questions about making a recommendation. Copies of all applications received shall be forwarded to the Mayor and Board of Aldermen.
- d. If there are more applicants than number of seats open, the Board Chair shall complete a **SUMMARY OF APPLICATIONS** form to submit with his/her recommendation.
- e. If there are no applicants for the Board in question, the Chair may contact applicants that have applied for other boards. Board chairs should contact the Town Clerk to obtain these applications.
- f. If a recommendation has not been received from the chair within four weeks following the advertisement, the Town Clerk shall contact the chair and request a status report on his/her recommendation.
- g. Within six weeks following the advertisement, the Mayor and Board of Aldermen will make the appointment to fill the unexpired term.

#### 6. ATTENDANCE

- a. The chair of each board or commission shall file with the Town Clerk an attendance report on a quarterly basis indicating if members are present or absent.
- b. Unless the chair waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than 30% of the meetings during a 12-month period. The Town Clerk shall notify the chair in writing as soon as a member becomes subject to removal under this section. The chair will have 10 days after receipt of such notice to waive the removal. If the chair fails to notify the Town Clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the Town Clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

DISCUSSION OF PERCEIVED ISSUES WITH ADVISORY BOARD APPOINTMENT  
PROCESS AND POSSIBLE OPTIONS FOR ADDRESSING THEM

**Issue 1:** Are vacant seats staying vacant too long when qualified applicants exist?

**Staff Response:** The length of vacancies and existence of qualified applicants who respond to board chair inquiries almost certainly varies. The Aldermen could simply re-emphasize to advisory board chairs the necessity of keeping the advisory boards at as close to full strength as possible by following up as soon as possible with all qualified applicants whenever a vacancy exists or occurs (and perhaps following up even if a vacancy *doesn't* exist right then). Board of Aldermen liaisons may also be able to help with efforts to fill advisory board vacancies in a timely fashion.

**Issue 2:** Do applicants and citizens understand the appointment process enough (through staff and board chair communication) that they don't become disillusioned by it?

**Staff Response:** The town clerk lets applicants know when they submit their applications whether there are vacancies or not and forwards their application to the appropriate chair(s) if there is a vacancy on one of the advisory boards in which the applicant has expressed an interest. If there is not a vacancy when they submit their application, she lets them know that their application will be filed until a vacancy occurs. When the vacancy occurs, she lets them know when their application is forwarded to the appropriate chair for review. Applicants who are not appointed are informed of this and invited to apply for other openings.

Perhaps the best avenue here is to re-emphasize to the town clerk and to advisory board chairs that clear, timely communication with all applicants for advisory board vacancies all the way through the process is the best way to get good applicants, good advisory board appointments, and a satisfied volunteer community.

**Issue 3:** Is it sensible to continue to *try* to stick to the existing guidelines (see ATTACHMENT A), which are inflexible and impractical, or change to a more flexible, simpler, and more sensible system that largely mirrors current practice?

**Staff Response:** A relatively *small* percentage of current advisory board members were actually appointed in February or March. This suggests either that Board chairs don't have qualified applicants when multiple vacancies occur all at one time, that the board chairs don't act as quickly as they could even though they do have qualified applicants, and/or that more and more vacancies are happening at other times of year (e.g. when board members step down for personal reasons).

In practice, the Town Clerk accepts applications all year round and, whenever there is a vacancy on any advisory board, forwards all relevant applications to that board's chair. She also holds on to all applications until an applicant is appointed to an advisory board or until a board chair confirms that they have tried several times and been unable to get the applicant to respond.

Staff's recommendation is that the Board of Aldermen amend the current Advisory Board Appointment Guidelines to reflect that applications will be taken all year round, that they will be held indefinitely unless the applicant shows a lack of interest in board chair follow-up, and that appointments will be made as vacancies occur. A further recommendation is that if an advisory board member is being to an unexpired term with 6 months or fewer to go in the term, that they also be considered appointed for the following, 3 year term.

If the Board of Aldermen is interested in any of these options, staff can prepare a draft amendment of the existing guidelines. Details of the guidelines not mentioned in this discussion would obviously stay the same.

**Issue 4:** Should advisory board chairs, in addition to the paperwork they are asked to submit to the Board of Aldermen regarding the applicants for an opening, continue to be given the privilege of adding their recommendation.

**Staff Response:** It is the staff's feeling, especially since the Board can still appoint whomever they like, that given the amount of work advisory board chairs put in as volunteers, it is appropriate to let them continue offering their thoughts on which of the applicants might best fill any existing vacancies on the advisory board in question.

ISSUES WITH ADVISORY BOARD TRAINING PROCESS AND POSSIBLE OPTIONS FOR ADDRESSING THEM

Issue 1: Is the training that advisory board members receive regarding local policies as well as state laws on open meetings, public records, and fiduciary trust adequate and, if not, what is the best way to bolster that training? There is a particular need for advisory board members to understand the fiduciary responsibilities of the Town and the myriad of regulations and laws for which staff rather than advisory board members will be held accountable. New internal control standards - as referenced by the Town's audit firm in a recent presentation to the Board - mean staff must be even more diligent in working with advisory boards on items that require an expenditure of funds.

Staff response: Staff used to offer more involved training for advisory board appointees once or twice a year (and one year, at least, had a person from the Institute of Government help with the training). Anecdotal data suggests that attendance was fairly low and the training thus not particularly effective. It is unclear to staff how well a mandatory training system would work. The more often voluntary trainings might be offered the more advisory board members might get the training but also the more staff time would be required.

There is no lack of good training materials, just time to help busy people who are already volunteering put in training time as well. Staff have examples of more detailed advisory board handbooks and online training modules from other communities and organizations.

The last time staff addressed this question, it was decided to simply give all new advisory board members the starter guide (*see ATTACHMENT E*). *Especially since the Aldermen appoint people all year round (and because this may become policy), staff still believe the decentralized / flexible method of using a printed starter guide is still the best route. Staff propose to improve the starter guide, to make sure staff liaisons and board chairs receive training in all the items contained therein, and that henceforth liaisons and chairs will be responsible for making sure that the boards and all their members both understand and follow all applicable laws, regulations, and policies.*





Town of  
Carrboro

## Advisory Board / Commission Starter Guide



Town of Carrboro  
301 W. Main St.  
Carrboro, NC 27510  
(919) 942-8541

## And helping to get it done . . .

### Your Staff Liaison

Most advisory boards have a staff liaison who will normally perform a number of functions.

- Compile and distribute agenda (and make sure it gets posted on the Town website)
- Ensure minutes are taken, brought back for approval, and posted online
- Provides technical support on agenda items and/or Town processes, policies, and regulations
- Ensure the advisory board gets enough info. on Board of Aldermen requests and that their recommendations are clearly communicated



### Advisory Board

#### Staff Liaison Listing:

App. Comm.—James Thomas—918-7355  
Arts Comm.—Kim Andrews—918-7367  
Bd. of Adj.—Marty Roupe—918-7333  
Cable Comm.—Drew Cummings—918-7314  
Cemetery Comm.—Public Works—918-7425  
ESC—James Harris—918-7319  
EAB—Randy Dodd—918-7327  
Greenways Comm.—Anita Jones-McNair—918-7381  
HSAC—James Harris—918-7319  
NTAAC—Jeff Kleaveland—918-7332  
PB—Trish McGuire—918-7327  
R&P Comm.—Anita Jones-McNair—918-7381  
TAB—Adena Messinger—918-7329

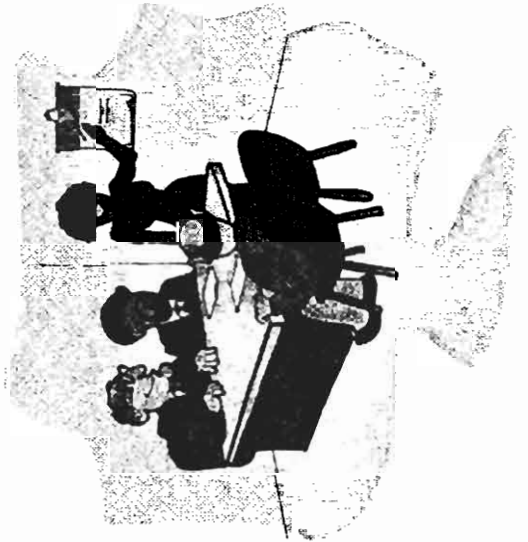
### QUESTIONS?

Call Town Clerk Sarah Williamson (918-7309)

### Running a Successful Meeting

In addition to attendance and careful preparation, there are a number of strategies that board chairs and other members can use to help an advisory board be successful.

- Start with a clear agenda, perhaps with a suggested time budget for each item
- Have clear roles: who is running the meeting, who is taking minutes, who is keeping track of time, etc.
- Provide periodic summaries as meeting progresses
- Focus on the information needed to come to a decision
- Make sure all members are getting equal “air time” as well as observing agreed upon rules of good behavior
- Make sure all members understand the motion they are voting on
- At the end of a meeting, recap decisions that were made and responsibilities that were given out (including time frame)
- Keep accurate minutes and remind all members of upcoming meetings / deadlines





### Thank you

... for volunteering to serve on a Carboro advisory board, commission, task force, or related advisory group. Residents like you improve democracy in all kinds of ways—by providing essential expertise and input and simply by giving of your time and being role models of civic engagement.

### The Function of Advisory Boards

The Board of Aldermen appoints all of the volunteer members of nine active, permanent advisory boards and commissions. There are a number of others that meet from time to time, and the Board also appoints one or more members to a number of other Orange County or other regional bodies. All in all, there are well over 100 volunteers giving regularly of their time to make sure the Board of Aldermen get good advice and input for their deliberations.

### Your Responsibilities as a Member

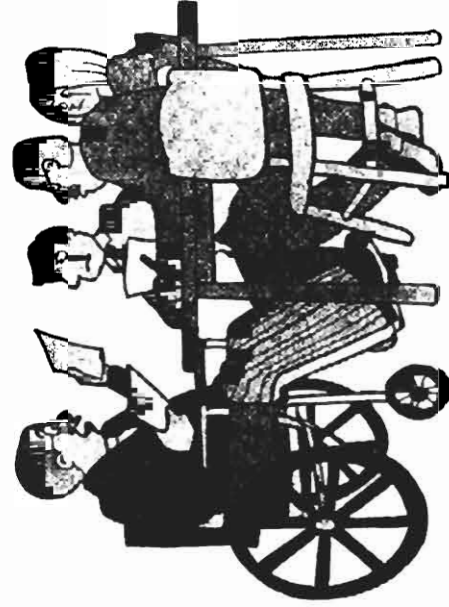
- Attendance and Preparation - Advisory boards cannot function properly if members do not regularly attend or if they do not come prepared. Members with serious attendance problems may be removed. Good preparation is the best way for your meetings to be the most effective and the best use of every member's time.
- Agenda Setting - Every member should be given an opportunity to give input on upcoming agendas. Annual work plans can be done in the same way, while acknowledging that some of a board's work will be assigned during the year.

### Rules of Order

The Town Code (available on the Town's website) lays out some rules of order for some advisory boards (mostly in the Land Use Ordinance—Ch.15 of the Town Code). Beyond any rules that may be in the Town Code, however, there is no blanket set of rules or even a requirement that advisory boards create a (fuller) set of bylaws for themselves. We do encourage this, however, and encourage advisory boards to review them annually and give them to any new members.

Bylaws or rules of order may cover any or all of the following:

- Who can call or cancel meetings (there are group and public interests at stake here)
- What constitutes a quorum - usually the majority of filled seats, but sometimes there is an absolute minimum.
- Rule of behavior for those appearing before the board
- Rule of behavior for board members
- Operating rules: When to cut off debate, who may make a motion, whether a second is required, how votes are taken, what to do with a tie vote, powers and responsibilities of the chair and other position-holders



### Beyond Rules of Order - The Law

All advisory boards, regardless of the nature of their bylaws, must abide by state-wide public records and open meeting laws as well as generally accepted conflict of interest rules.

- All agendas, minutes, and most other advisory board documents are public records. When in doubt, consult your staff liaison.
- All advisory board meetings are public meetings and, in addition to advertising times and places, no member of the public may be excluded. Advisory boards would generally have no valid reason for going into "closed session."

- Always err on the side of disclosure. However, members of advisory boards, just like members of the Board of Aldermen, are



generally required to participate in all proceedings unless the outcome could have a *direct financial impact* on them or their immediate family.

### Dealing with the Public

There is no difference between your rights as an advisory board member and those of the general public to know about or to discuss advisory board issues. While your advisory board is empowered to establish rules of behavior for members of the public who would like to participate in your meetings, exclusion and secrecy are not options.

When members of the public attend your meetings, take the opportunity to greet them as well as to both show and tell them what your advisory board does and how it does it. Honesty and transparency are the best policies.



## ATTACHMENT F

### LIST OF DEFUNCT ADVISORY BOARDS FOR THE BOARD TO CONSIDER DISSOLVING

Cable TV Committee: The Cable TV Committee has not met since late 2004 and, as the town's ability to effect the conditions / pricing of cable TV provision in Carrboro has decreased, the rationale for this committee has also diminished. The town is still able to effectively resolve individual customer complaints through our contacts at Time Warner Cable.

Cemetery Commission: The Cemetery Commission has no current citizen members and there have been no meetings for a number of years.

## ATTACHMENT G

(sent in by Alderman Coleman)

### Suggestions for changes to Advisory Board Guidelines

- 1) eliminate appointment recommendations from chairs but keep chair responsibility for contacting applicant and submitting "summary of applications" form. Explanation: it should be the BOA's responsibility to decide who should advise us, for determining the balance of diversity vs other qualifications when making appointments, and for navigating political questions regarding appointments when those arrive.
- 2) add stronger role for BOA in ensuring advisory boards stay at capacity:
  - (a) Liaison is responsible, with chair, for keeping track of existing and upcoming vacancies and for checking in with town clerk on status of applications on file;
  - (b) Mayor shall quarterly review advisory board membership lists and check with liaisons as needed to ensure that vacancies are being filled.
- 3) follow up with applicants who are not appointed: liaison to contact discuss when additional openings might occur as well as other board openings, gauge continuing interest.
- 4a) when BOA is considering an item with an advisory board recommendation attached, that advisory board should endeavor to send a representative to the BOA mtg;  
4b) encourage rotation of advisory board members, not just chairs, in making presentation to BOA; this would promote active engagement of all advisory board members and help BOA members better familiarize ourselves with the membership.
- 5) advisory board training: each chair, upon election/appointment, shall meet with appropriate staff to ensure full understanding of relevant regulations and policies; it is then the responsibility of the chair to review the starter guide and bylaws at the start of any meeting at which a new member is seated.
- 6) post all minutes to web site: according to schedule of meetings, there should be around a dozen minutes each month; the web site has far fewer than that.
- 7) attendance: chair and/or liaison should contact any member facing removal for poor attendance.

### ADVISORY BOARD APPOINTMENTS

- NHTF members had concerns about:
  - the application process
  - the internal operations of the advisory boards
  - the role of the BOA in the appointment process
- NHTF studied this at length over a few meetings and has recommendations for the BOA

### ADVISORY BOARD APPOINTMENTS: ADHERE TO APPLICATION PROCESS

- Enforce October 31 submittal deadlines
- Enforce twelve month application expiration
- Follow up with persons not selected for their initial board choice
- Consider dividing into two appointment sessions per year
- Have better advertisement of vacancies

### ADVISORY BOARD APPOINTMENTS: INTERNAL OPERATIONS

- Have bylaws for each board, and follow these bylaws
- Have each board nominate and vote for their Chair
- Have the advisory board members do the following:
  - Select the Chair
  - Make the advisory board candidate recommendations

### ADVISORY BOARD APPOINTMENTS: ROLE OF THE BOA

- Clarify and communicate role of BOA as to appointments to Town board
  - Does BOA participate in active selection of candidates?
  - Is the BOA limited to voting on recommended candidates?
- Clarify role of BOA liaisons
  - May recommend against board reappointments

QUESTIONS/COMMENTS ABOUT ADVISORY BOARDS  
FROM LYDIA LAVELLE

1. Under the *Guidelines for Selecting Advisory Board Members, Appointments 1(d)*, I believe we should define or discuss the meaning of "diversity" (what exactly is it? race, geography, home ownership? etc.)
2. Under the *Guidelines for Selecting Advisory Board Members, Appointments to Expired Terms 3(b)-(c)*, I think we should consider having the advisory board members vote on the applicants, taking the onus off of the chair.
3. In the Town Code, all of the boards are referenced. Many of the sections about the boards have similar language (i.e., how the board was established, how often it meets, its quorum, its officers, methods of removing officers). They almost all state that officers shall serve for terms of one year. I think we should consider whether we want to have term limits for the chairs (when I was on the Durham Open Space and Trails Commission in Durham, our chair switched every year).
4. To my knowledge, only the Planning Board has official bylaws. I am not certain that individual bylaws are necessary, as these then require consistency with the Code and might be more than these boards need. As long as the advisory boards are aware of the descriptions of their boards in the Code, this may be enough.
5. I think we should consider a policy that for all Town advisory boards, the BOA member is a liaison, and does not vote (this would require a few Code amendments).
6. As for the matter of advisory board training, I suggest we videotape an advisory board training session, and then make it available on the website for new advisory board members to review. It could be updated periodically. I would be willing to participate in this effort.
7. FYI, I have attached the comments the New Horizons Task Force made during the June 2007 presentation to the BOA regarding advisory boards for our consideration.