



MEMORANDUM

TO: Mayor and City Councilors

FROM: Rich Olson, City Manager
Vivian White, City Clerk

DATE: January 6, 2016

REF: Consideration – Approval of EC-PC Community Relations Commission By-Laws

BACKGROUND:

As the Council's ex-officio member appointed to serve on the EC-PC Community Relations Commission, Councilman Stimatz attended the CRC meeting, which was held just prior to the Council's November 9, 2015 meeting. He reported to the Council during the November 9, 2015 meeting that the Commission members had voted to request several changes in their by-laws. According to their by-laws, all changes must be approved by both the City Council and the Board of County Commissioners. The changes being proposed were as follows:

1. To hold officer elections in April in the concluding year of a term. Terms to begin in May.
2. To nullify the three term limit for membership
3. To add the words "sexual orientation or identification" after the word "sex," in the mission statement.
4. To redefine a quorum as "at least eight members present regardless of residency.

ANALYSIS:

The Council was amenable to considering these changes, but requested that a copy of the by-laws be obtained for review prior to action being taken. Staff contacted the Commission and received a copy of the by-laws contained in their files. Upon review by staff, it was determined that the copy was incomplete and contained inconsistencies, i.e. the make-up of the membership approved by the Council and County Commission in 2014 was not included in the document. It was also noted that the policy with regard to public meetings was inconsistent

with state law and that some of the changes being proposed created a conflict with language currently in the document. In addition, staff was unable to find documentation that the Council had ever officially approved the by-laws, which were created in 2003.

As Councilman Stimatz explained during the November 9, 2015 Council meeting, the CRC was having difficulty taking action because of the absence of a quorum at some meetings. The current policy requires that a quorum of both City and County appointees be present. The CRC requested that the quorum requirement be redefined as follows: "at least eight members present regardless of residency." This requirement provides for a simple majority of the 15 members to be present to constitute the quorum. The City Council took action during the November 23, 2015 Council meeting to approve this request. Also during the November 23, 2015 Council meeting, the Council directed staff to work with the City Attorney to review the by-laws and provide an updated version, which included all previously approved changes, as well as the current changes being requested for the Council's review and consideration.

The City Clerk and the City Attorney have reviewed the document and made a series of recommendations for changes. Attached, you will find the CRC By-laws in an add-delete format. This version includes previously approved changes, the requested changes being made by the Commission, as well as a number of other changes to bring the document into compliance with state law.

STAFF RECOMMENDATION:

By motion, approve the By-Laws of the EC-PC Community Relations Commission as presented and forward the document to the Pasquotank County Board of Commissioners for their consideration and action.

RCO/vdw

~~CREATION AND~~ BY-LAWS
ELIZABETH CITY – PASQUOTANK COUNTY COMMUNITY RELATIONS
COMMISSION

SECTION 1: CREATION

Pursuant to N.C.G.S. 160A-492, and believing that all citizens have equal rights and each person should show due respect toward another and be courteous at all times, the City of Elizabeth City (hereinafter referred to as "City") and the County of Pasquotank (hereinafter referred to as "County") ~~de-established in 2003~~ the Elizabeth City-Pasquotank County Community Relations Commission, (hereinafter referred to as "Commission"); and hereby adopt its by-laws to govern its activities, ~~established its~~ purpose and provide for the appointment of its members, by resolution ~~each of the City~~ adopted ~~this on the~~ ___ day of _____, ~~2003~~2016 and the County adopted on the ___ day of _____ 2016.

Section 2: PURPOSE

The purpose of the Commission is to promote the equal treatment of all individuals; to discourage discrimination based on race, color, religion, sex, sexual orientation or identification, national origin, age, disability, family status ~~and or~~ veteran status; to protect each person's lawful interests and ~~their~~ personal dignity so as to make available their full productive and creative capacities, and to promote harmony and equal opportunity among all people.

Section 3: DUTIES OF COMMISSION

So it can accomplish its purpose, the Commission shall have the following duties.

- A. The Commission will study problems in any and all fields of human relations in the City and County, and will encourage fair treatment and equal standing amongst all races and age groups. It will endeavor to anticipate and discover those practices and customs that are likely to create animosity and unrest among racial, ethnic, and social groups and by consultation seek a solution when these problems arise or may be anticipated.
- B. The Commission will report to the City and County through its Co-Chairs its findings and recommend proactive solutions. The Commission will speak as one body through its ~~eCo-e~~Co-Chairs. Individual members should refrain from making a statement about the intent, policy or position of the Commission unless such had been previously approved by the Commission. This does not in any way encroach upon an individual's right of free speech and to express his personal opinion.

SECTION 4: MEMBERSHIP, TERM, AND ATTENDANCE

A. Any person holding or filing to seek an elected office is ineligible to serve.

~~B. The city of Elizabeth City hereby appoints _____ and _____ to serve a term ending _____; appoints _____, _____, and _____ to serve a term ending _____; and appoints _____, _____, and _____ to serve a term ending in _____.~~

~~The County of Pasquotank hereby appoints _____, _____, and _____ to serve a term ending _____; appoints _____, _____, and _____ to serve a term ending _____; and appoints _____, _____, and _____ to serve a term ending in _____.~~

~~B. The membership of the Commission shall be fifteen (15) members, with eight (8) members appointed by the City of Elizabeth City and seven (7) appointments made by Pasquotank County, as follows:~~

- ~~• 4 African Americans;~~
- ~~• 4 Caucasians;~~
- ~~• 4 Other Nationalities/Ethnicities;~~
- ~~• 3 members aged 16-30;~~
- ~~• 6 women minimum;~~
- ~~• 6 men minimum;~~
- ~~• 1 ex-officio member from the Elizabeth City Council and the Pasquotank County Commissioners.~~

~~Terms shall be for a period of three years. At the expiration of each of the original terms noted above, the Mayor of Elizabeth City and and the Chairman of the Pasquotank County Commission shall fill it-vacancies by appointing a person to a three year term. If a member resigns, is removed or becomes ineligible to serve, the Mayor of Elizabeth City or the Chairman of Pasquotank~~

County Commission shall fill the unexpired term of the member it had appointed.

Notation: Commission members currently serving shall complete their current term established at the time of appointment.

~~C.B. A member may serve no more than three terms of three years. A person who is appointed to an unexpired term or an original term less than three years may be eligible to serve more than nine years, but not more than twelve years. There shall be no term limits for membership; however, new members are encouraged whenever possible.~~

~~D.C. The position of any member who is absent for four successive regular meetings shall become vacant immediately and this position shall be filled by the appropriate governmental body elected official.~~

SECTION 5: OFFICERS DUTIES AND TERMS

A. CO-CHAIRS.

1. Diversity:

The Co-Chairs shall be selected to reflect the diversity consistent with the demographics of the community.

2. Selection and Term:

~~There shall be two Co-Chairs. At the initial election in December 2003, one Co-chair shall be elected to a one year term beginning January 1, 2004, and one Co-chair shall be elected to a two year term beginning January 1, 2004. Thereafter, as their terms expire, one Co-Chair shall be elected at the regular meeting in December to serve a two year term beginning January 1. Co-Chairs shall serve staggered two-year terms. Co-Chair elections shall be held annually in April of the concluding year of a term. Terms shall begin on May 1.~~

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3. Succession:

A member may serve only one complete two year term as Co-Chair, excluding any time served filling an unexpired term,

4. Duties:

- (a) Prepare an agenda for each meeting and provide a copy of same to each of the members prior to that meeting.
- (b) Determine which eCo-eChair shall preside over the meeting consistent with the spirit of cooperation.

- (c) When authorized by the By-Laws or by vote of the Commission, ~~they~~ shall appoint Committees and designate a chairperson of each committee.
- (d) Report in writing to the governmental bodies at least once every quarter the activities of the Commission.
- (e) When the Recording Secretary is absent from a meeting or unable to perform the other duties of the office, the Co-Chairs shall appoint a volunteer to serve as Acting Recording Secretary to take minutes of the meeting, and perform all duties of the office until the Recording Secretary is able to again resume these responsibilities.
- (f) When the treasurer is absent from a meeting or unable to perform the other duties of the office, the Co-Chairs shall appoint a volunteer to serve as Acting Treasurer to keep the financial records of the Commission, and making expenditures authorized by the Commission until the Treasurer is able to again resume these responsibilities.
- (g) By agreement serve as spokesperson for the Commission. If one Co-Chair is unavailable, then the other may be spokesperson. When serving as spokesperson, the Co-Chairs shall avoid expressing their personal opinion as that of the Commission.

B. RECORDING SECRETARY:

1. Selection and Term:

The Recording Secretary shall be elected at the regular meeting in ~~December~~ April to serve a two year term beginning ~~January~~ May 1.

2. Duties:

- (a) Take, preserve and circulate minutes of each meeting for its members. Minutes shall be circulated, together with notice of the time and place of the next meeting at least seven days prior to that meeting.
- (b) Keep an up to date roster of the members, their telephone numbers, postal and email address.
- (c) Send all notices required by the By-Laws.
- (d) Notify in writing the City and County of any vacancies on the Commission.
- (e) At least 60 days prior to the expiration of a member's term, notify in writing the City and County of such expiration.

C. TREASURER

1. Selection and Term:

The Treasurer shall be elected at the regular meeting in ~~December-April~~ to serve a two year term beginning ~~January-May~~ 1.

2. Duties:

The Treasurer shall be responsible for keeping the financial records of the Commission, and making such expenditures as authorized by the Commission.

SECTION 6: MEETING AND QUORUM

A. Regular Meeting: The Commission shall meet the 2nd Monday of each month.

B. Special Meeting: A special meeting may be called by the agreement of the co-chairs on the time, place, and purpose of the meeting. ~~and by giving not less than seven days notice to all members. Public Notice shall be provided pursuant to NCGS 143-318.12(2) which states as follows:~~

~~B. "For any other meeting, except an emergency meeting, the public body shall cause written notice of the meeting stating its purpose (i) to be posted on the principal bulletin board of the public body or, if the public body has no such bulletin board, at the door of its usual meeting room, and (ii) to be mailed, e-mailed, or delivered to each newspaper, wire service, radio station, and television station that has filed a written request for notice with the clerk or secretary of the public body or with some other person designated by the public body. The public body shall also cause notice to be mailed, e-mailed, or delivered to any person, in addition to the representatives of the media listed above, who has filed a written request with the clerk, secretary, or other person designated by the public body. This notice shall be posted and mailed, e-mailed, or delivered at least 48 hours before the time of the meeting. The notice required to be posted on the principal bulletin board or at the door of its usual meeting room shall be posted on the door of the building or on the building in an area accessible to the public if the building containing the principal bulletin board or usual meeting room is closed to the public continuously for 48 hours before the time of the meeting. The public body may require each newspaper, wire service, radio station, and television station submitting a written request for notice to renew the request annually. The public body shall charge a fee to persons other than the media, who request notice, of ten dollars (\$10.00) per calendar year, and may require them to renew their requests quarterly. No fee shall be charged for notices sent by e-mail." Matters not included in the notice shall not be discussed or acted upon at the meeting.~~

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C. Emergency Meeting: An emergency meeting may be called by the agreement of the co-chairs on the time, place, and purpose of the meeting and by giving no less than ~~twelve-six~~ hours' notice. Public Notice shall be provided pursuant to 143-318.12(3) which states as follows: "For an emergency meeting, the public body shall cause notice of the meeting to be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request, which includes the newspaper's, wire service's, or station's telephone number, for emergency notice with the clerk or secretary of the public body or with some other person designated by the public body. This notice shall be given either by e-mail, by telephone, or by the same method used to notify the members of the public body and shall be given immediately after notice has been given to those members. This notice shall be given at the expense of the party notified. Only business connected with the emergency may be considered at a meeting to which notice is given pursuant to this paragraph." In addition NCGS 143.318.12(f), which states as follows, shall be observed: "For purposes of this section, an "emergency meeting" is one called because of generally unexpected circumstances that require immediate consideration by the public body. "~~Matters not included in the notice shall be discussed or acted upon at the emergency meeting.~~"

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D. A quorum shall be present at all meetings in order for the Commission to conduct business. A quorum shall ~~be present when not less than four city appointees are present and not less than four county appointees are present.~~ consist of at least eight members present regardless of residency

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SECTION 7: NOTICES

All notices required by these By-Laws ~~shall be in writing, except for notice of an emergency meeting. First Class U.S. Mail, postage pre-paid or electronic mail (E-mail) shall constitute the required written notice. Notice of an emergency meeting shall be made by whatever personal contact is available under the circumstances.~~ shall comply with North Carolina General Statutes, Article 33C, Section 143-318 "Meetings of Public Bodies".

SECTION 8: REPORTS

The Co-Chairs shall report quarterly in writing to the City and County its findings and recommended proactive solutions.

SECTION 9: PERMANENT RECORDS

The permanent records of the Commission shall be kept at a place to be designated by the City and County.

SECTION 10: AMENDMENTS

- A. These By-Laws may be amended by a resolution duly adopted by the City and the County.
- B. The Commission may make a recommendation to the City and the County to amend these By-Laws by a written resolution, which is adopted at a regular meeting by a majority of the total Commission membership.

SECTION 11: DISSOLUTION

The Commission may be dissolved by a resolution duly adopted by either the City or the County.