

Jackson County Ordinance
Authorizing a Planning Board

Amended: December 9, 2003

Amended: February 5, 2007

February 5, 2007 amendment changes Section 2 to increase the number of members from 7 to 11 with the four additional members being appointed at large by the Commissioners and establishes terms for new appointments, changes Section 3 to read monthly meetings rather than the first Tuesday, and in Section 3(B) establishes a quorum as 6 members.

SECTION 1. CREATION:

The Jackson County Board of Commissioners hereby authorizes and establishes the Planning Board under the authority granted by the General Statutes of the State of North Carolina, Chapter 153A-321. The Jackson County Planning Board shall constitute, function and may be referred to as the Planning Board.

SECTION 2. COMPOSITION, VACANCIES AND OFFICERS:

(A) The Jackson County Planning Board shall consist of eleven (11) members. All members shall serve on a rotating basis at the pleasure of the Jackson County Board of Commissioners. Members shall serve a maximum of two consecutive terms. Members shall be selected as follows:

- (1) Five (5) members to be appointed; one by each commissioner from his/her district, with the Chairman's appointment to be at large.
- (2) Six (6) at large members to be appointed by the Board of Commissioners.

(B) The Chairman and Vice-Chairman shall be appointed annually by the Board of Commissioners.

(C) All terms shall be for a period of two years except that in order to establish a rotating membership, initial appointments shall be:

Four members for two years.
Three members for one year.

February 5, 2007 amended ordinance increases appointments from 7 members to 11 members. In order to continue rotating membership, the four (4) new appointment terms shall be as follows:

Two members shall serve two years.
Two members shall serve one year.

(D) In the event of a vacancy, if the vacancy is one that was originally appointed by a Commissioner, then the Commissioner serving that district where the vacancy exists shall recommend a replacement member for that district. If the vacancy occurs in the position originally appointed by the Chairman of the Board of Commissioners, then the Chairman shall select the replacement to be at large. If the vacancy occurs in the six at-large appointments appointed by the Board of Commissioners, then the Board shall select that replacement.

(E) The Jackson County Board of Commissioners may select, at their discretion or upon the request of the Chairman of the Planning Board, Ad Hoc or ex officio members for the purpose of contributing expertise to specific projects. Ex officio members may be selected from the community at large or may be selected from organizations such as EDC, TWSA, and WCU. Ad Hoc or ex officio members shall be non-voting.

(F) All members of the Planning Board shall have equal rights, privileges and duties. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the Planning Board. Regular attendance at the meetings of the Planning Board is considered a prerequisite for maintenance and membership on the Planning Board. Members who miss more than four meetings in a year or three consecutive meetings shall be replaced at the discretion of the Board of Commissioners as provided in Section 2(C).

SECTION 3. ORGANIZATION, RULES, MEETINGS AND RECORDS:

Regular meetings shall be held at least once per month. Meetings will be held at a time and place that is convenient and conducive to public attendance

(A) The Chairman shall call special meetings, or the Chairman shall call a special meeting by written request of at least three other members of the Planning Board, or at the request of the Board of Commissioners. The Chairman shall provide at least 48-hours written notice to each member of the Planning Board and to each member of the Jackson County Board of Commissioners stating the subject, time and meeting location of any special meeting. No business other than that for which the special call was issued may be

considered at the special meeting. Special meetings should be scheduled at a time and place that is convenient and conducive to public attendance.

(B) A quorum shall consist of six (6) members of the Planning Board provided that the Chairman or Vice-Chairman is among the six.

(C) The Planning Board may be divided into Ad Hoc committees. Such committees shall consist of no more than three (3) regular Planning Board members appointed by the Chairman, one which shall be designated by the Chairman as chair of the Ad Hoc committee. Ad Hoc committees may be formed only for the purpose of study or research and may take no binding action. Such committees shall from time to time and at their conclusion make a full report of their activities to the full Planning Board and to each member of the Jackson County Board of Commissioners.

(D) All meetings of the Planning Board and its committees shall be open to the general public. The Planning Board shall have the power to meet in executive session concerning appropriate procedural necessities in compliance with North Carolina Open Meetings Law N.C.G.S. 143-318.9 – 143-318.18. No such session shall be called unless the county attorney is present.

(E) Notice shall be provided for all meetings in accordance with N.C.G.S. 143-318.9-18.

(F) The Chairman shall preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary usage of such office, which includes the appointment of committees necessary to conduct the business of the Planning Board.

(G) The Vice-Chairman shall act for the Chairman in his/her absence and shall exercise the same powers and duties as the Chairman in such instances.

(H) All votes shall be by majority provided a quorum is present.

(I) No member shall vote or participate in discussion on any matter in which he/she may have a financial interest.

(J) The order of business at regular meetings shall be as follows:

1. Call to order and taking of the roll
2. Public comment
3. Call for approval of minutes of previous meetings
4. Consideration of additions to the agenda
5. Consideration of items on the agenda
6. Adjournment

(K) The Jackson County Planning Department shall serve as staff to the Planning Board. Staff will be responsible for reporting minutes and sending meeting notices. Copies of all meeting minutes shall be sent to each member of the Jackson County Board

of Commissioners and a copy of all notices shall be mailed to each member of the Jackson County Board of Commissioners within one week from the date of each meeting.

SECTION 4. EXPENDITURES, INCURRING INDEBTEDNESS, DONATIONS:

The expenditures of the Planning Board, exclusive of gifts or grants, shall be within amounts appropriated for the purpose by the Board of Commissioners, and no indebtedness for which the County should be liable shall be contracted or incurred by the Planning Board unless the appropriation is made by the Board of Commissioners for such purpose, as authorized by law, and then only to the extent of the appropriation. The Planning Board shall have the right to accept gifts and donations for the exercise of its functions, and may expend the money received from such gifts and donations in a manner which in the judgement of the Planning Board is consistent with the planning program. In addition, the provisions of N.C.G.S. 153A-322 shall apply as appropriate.

SECTION 5. POWERS AND DUTIES:

The Planning Board shall have the power to perform the following duties at the direction of the Board of Commissioners:

- (A) Make studies of the county and the surrounding areas;
- (B) Determine objectives to be sought in the development of the study area;
- (C) Prepare and adopt plans for achieving these objectives;
- (D) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- (E) Advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;
- (F) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;
- (G) Perform any other related duties that the Board of Commissioners may direct.

SECTION 6. MEMBERS LIABILITY:

The Planning Board and the individual members thereof, serving as an advisory board to the Jackson County Board of Commissioners, are protected from liability in so far as their actions are within the scope of their duties and responsibilities, N.C.G.S. 153A-11 and 12.

SECTION 7. VALIDITY:

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions, if otherwise valid, shall continue in full force and effect.

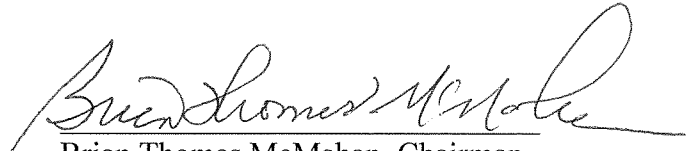
SECTION 8. REPEAL AND EFFECTIVE DATE:

Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed and this Ordinance shall be in full force and effect on the date of its adoption by the Jackson County Board of Commissioners.

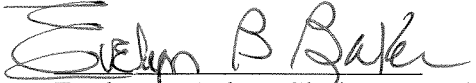
SECTION 9. ADOPTION:

This Ordinance to Re-authorize the Jackson County Planning Board, as hereinabove set forth, adopted and enacted, shall be included in the Jackson County Code of Ordinances.

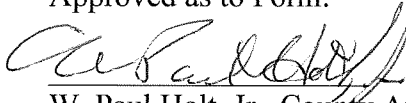
THIS AMENDED ORDINANCE ADOPTED this the 5th day of February, 2007.


Brian Thomas McMahan, Chairman

ATTEST:


Evelyn B. Baker, Clerk to Board

Approved as to Form:


W. Paul Holt, Jr., County Attorney