



# Buncombe County Health and Human Services Operating Procedure

## GOV.BRD Procedure 100

	Countywide or	X	Department: Human Services	X	Division: Board
Supersedes: N/A				<b>Effective Date:</b> 9/4/2012 Revised October 26, 2018 Revised December 18, 2020 Revised June 25, 2021 Revised September 23, 2022	
<b>Authority:</b> Buncombe County, NC Resolution; NCGS § 153A-77; NCGS 122C; NCAC 10A 48B.1301					
<b>Originating Department:</b> Health and Human Services					

I. **Purpose:** To establish the general operating procedure for Buncombe County Health and Human Services Board in compliance with state law and county regulations and to establish an annual review of operating procedures.

II. **Procedure Statement:**

A. **Name and Office**

The name of this organization is the Buncombe County Health and Human Services Board (hereinafter "Board"). The principal office of the Board is located at the Buncombe County Health and Human Services, 40 Coxe Avenue, Asheville, NC 28801.

B. **Membership**

The Board shall be composed of members appointed by the Buncombe County Board of Commissioners pursuant to NC General Statutes §153A-77. All members of the Board shall be residents of Buncombe County.

C. **Terms**

HHS Board members may serve 2 consecutive terms of 4 years. Members appointed to fulfill a partial term of a departing member are eligible to serve for 2 additional 4 year terms.

D. **Officers**

1. **Chair and Vice-Chair**

The Board members shall elect a Chair and Vice-Chair by majority vote each year at the first full meeting of the Board each fiscal year.

## **2. Secretary**

The local Health and Human Services Director shall serve as Secretary to the Board, but the Director is not a member of the Board. The local Health and Human Services Director may delegate the duties of the Secretary that are set forth in these operating procedures to an appropriate local Health and Human Services Department employee.

## **E. Board Meetings**

### **1. Regular Schedules**

The Board shall hold a regular meeting on the fourth Friday of each month, except in the months of November and December when the meeting shall be held on the third Friday of the month. Meeting date, location and time shall be posted on the county website and public notice shall be given prior to each meeting.

### **2. Special Meetings**

- a) The Chair or three of the members of the Board may at any time call a special meeting of the Board by signing a written notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call the meeting shall cause the notice to be mailed, emailed, or delivered to the Chair and all the Board members or left at the usual dwelling place of each member at least 48 hours before the meeting and shall cause a copy of the notice to be posted on the principal bulletin board of the Board or at the door of its usual meeting room or on the building in an area accessible to the public at least 48 hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.
- b) If a special meeting is called to deal with an emergency, the notice requirements of this rule do not apply. However, the person or persons who call an emergency special meeting shall take reasonable action to inform the other members and the public of the meeting. Only business connected with the emergency may be discussed at the meeting.

### **3. Agenda**

The Secretary shall have administrative oversight in preparing the agenda for the meeting. Any individual or group who wishes to have an item of business placed on the agenda shall make a request to be on the agenda to the Secretary no later than two (2) weeks prior to the next scheduled meeting. The request must be in writing and must state the nature of the matter. The final agenda for each meeting will be approved by the Chair and the HHS Director.

#### **4. Presiding Officer**

The Chair of the Board shall preside at Board meetings if they are present. If the Chair is absent, the Vice-Chair shall preside. If the Chair and Vice-Chair are both absent, another member of the Executive Committee designated by a majority vote of members present at the meeting shall preside. The Chair shall have the following powers:

- To rule motions in or out of order, including the right to rule out of order a motion patently offered for obstructive or dilatory purposes;
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
- To call a brief recess at any time;
- To adjourn in an emergency.

#### **5. Attendance**

Regular attendance is critical to the success of the Board's business and purpose. All appointed Board members are expected to attend a minimum of 75% of all regular scheduled meetings each year. Failure to meet this attendance requirement may result in a recommendation by the Board and/or the Secretary to the appointing authority that the Board Member be removed. As NC law allows, HHS Board meetings may be held in person or virtually.

#### **6. Quorum**

A majority of the actual membership of the Board, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members shall be counted as present for purposes of determining whether or not a quorum is present.

#### **7. Voting**

- No vote may be taken without a quorum being present.
- Any vote offered by a virtual participant must be submitted in writing via chat feature or orally through a roll call vote.

#### **8. Minutes**

The Secretary shall prepare minutes of each Board meeting. Copies of the minutes shall be made available to each Board member before the next regular Board meeting. At each regular meeting, the Board shall review the minutes of the previous regular meeting as well as any special or emergency meetings that have occurred since the previous regular meeting, make any necessary revisions, and approve the minutes as originally drafted or as revised. The public may obtain copies of Board meeting minutes at the Health and Human

Services Administrative Offices, 40 Coxe Avenue, Asheville, NC 28801. The minutes are also available on the county's website.

#### **F. Amendments to Operating Procedures**

These operating procedures may be amended at any regular meeting or at any properly called special meeting that includes amendment of the operating procedures as one of the stated purposes of the meeting. A quorum must be present at the meeting at which amendments are discussed and approved, and any amendments must be approved by a majority of the members present at the meeting.

#### **G. Other Procedural Matters**

##### **1. Action by the Board**

- a) The Board shall proceed by motion. Any member, including the Chair, may make a motion.
- b) All motions require a second before the motion can be discussed.
- c) A member may make only one motion at a time.
- d) A substantive motion is out of order while another substantive motion is pending.
- e) A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.
- f) The Chair shall state the motion and then open the floor to debate on it. The Chair shall preside over the debate according to these general principles:
  - i. The introducer (the member who makes the motion) is entitled to speak first;
  - ii. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
  - iii. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

2. In addition to substantive proposals, the following procedural motions, and no others, shall be in order. All motions require a second before the motion can be discussed. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

3. In order of priority (if applicable), the procedural motions are:

- a) **To Adjourn.** The motion may be made at any time by a member of the Board and would require a majority vote.
- b) **To Take a Recess.**
- c) **Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity or it is waived.
- d) **To Suspend the Rules.** The motion requires a vote to equal a quorum.
- e) **To Divide a Complex Motion and consider it by Paragraph.**
- f) **To Defer Consideration.** A substantive motion whose consideration has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.
- g) **Call of Previous Question.** The motion is not in order until every member of the Board has had at least one opportunity to speak.
- h) **To Postpone to a Certain Time or Day.**
- i) **To Refer to a Committee.** Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Board, regardless of whether the committee has reported the matter back to the Board.
- j) **To Amend.** An Amendment to a motion must be germane to the subject matter of the motions, but it may achieve the opposite effect of the motion. Any amendment to a proposed ordinance shall be reduced to writing on the call of any member, including the Chair.
- k) **To Revive Consideration.** The motion is in order at any time (100 days) after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires (100 days) after the deferral, unless a motion to revive consideration is adopted.
- l) **To Reconsider.** The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was taken. The motion cannot interrupt deliberation or a pending matter but is in order at any time before adjournment.
- m) **To Rescind or Repeal.**
- n) **To Ratify.**
- o) **To Prevent Reconsideration for Six Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months
- p) **To Renew a Motion.** A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.
- q) **Withdrawal of Motion.** A motion may be withdrawn by the introducer at any time before a vote.
- r) **Duty to Vote.** Once a meeting has been convened, every member, including the Chair, must vote unless excused by a majority vote of those members present. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. The Board may excuse a member from voting, but only upon questions involving his own financial interest or his official conduct or on matters on which the member is prohibited from voting under NCGS §14-234. For purposes of this rule, the question of the compensation and allowances of members of the Board does

not involve a member's own financial interest or official conduct. Refusal to vote (without just cause) shall be recorded as an affirmative vote.

#### **H. Compliance with North Carolina Law**

In conducting its business, the Board shall comply with all applicable North Carolina laws, including but not limited to open meetings laws, public record laws, and the laws setting forth the powers and duties of local boards of health. To assist the Board in compliance, the Secretary shall maintain a current copy of relevant North Carolina General Statutes and make them available to Board members on request.

**III. Applicability and Exceptions:** The procedure applies to current members of the Buncombe County Health and Human Services Board.

#### **IV. Procedure Responsibility and Management:**

- This procedure shall be reviewed annually by the Board Executive Committee and the County Attorney's Office.
- New Board members will receive a copy of the Board Operations Manual and review it as part of their orientation.

#### **V. Reference to Robert's Rules of Order:**

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the Board shall refer to Robert's Rules of Order for unresolved procedural questions.

### **I. Committees**

#### **1. Standing and Ad Hoc Committees**

All committees are subject to the North Carolina open meetings laws and shall comply with the provisions of those laws, and, to the extent practical, these operating procedures. The Board shall have a standing Executive Committee and Program Committees. ~~and~~ Ad hoc committees may be established when needed.

#### **2. Committee Functions and Meeting Schedules**

- a) Executive Committee (EC):** Meets monthly at the County Administration Building, 200 College St., Asheville, NC 28801

##### **Membership**

1. Board chair
2. Board vice-chair
3. One to three members of the HHS Board as agreed upon by presiding Executive Committee members

4. Care should be taken to insure that EC members have varying assigned terms of board service to insure continuity

**Functions:**

- 1) Serve as the Formal Budget Committee.
- 2) Set the monthly agenda for the Board meeting.
- 3) Ensure the progress of Committee work plans.
- 4) Conduct the nominating process for new Board members and officers and ensure quality Board representation.
- 5) Review and study policy and related administrative issues (non-priority issues) that must be acted upon by the Board.

- b) Program Advisory Committees (PAC):** In line with the HHS Purpose Statement, Community Health, Community Safety/ Support and Community Opportunity Advisory Committees meet monthly ~~at the County Administration Building, 200 College St., Asheville, NC 28801~~ prior to the Full Board meeting

**Membership of each PAC**

1. Committee Chair
2. Five to Seven additional HHS Board members, one being a member of Executive Committee
3. If chair is absent, EC Member will facilitate meeting
4. Each PAC will have a staff Division Director assigned
5. Each PAC will have a staff Administrative Support Associate assigned
6. Other staff and community representatives may be invited to meetings as needed for subject matter expertise
7. Staff and community representatives will be non-voting members of the Program Advisory Committees. Further, they may attend HHS Board meetings, as any citizen has the right; however, they have no voting privileges at the full Board meetings.

**Functions:**

1. Stay abreast of all HHS programs within the scope of the assigned Committee
2. Participate in planning local projects/ initiatives with HHS staff
3. Advise on best methods of local service implementation
4. Bring actionable items to the full board for consideration
5. All Committees will focus on service delivery from an equity perspective

**c) Ad Hoc Committees**

**Membership**

1. HHS board member(s)

2. County staff
3. Community representatives with knowledge specific to the project/ task
4. For ad hoc committees, community representatives may vote on recommendations to the full Board. They may attend full HHS Board meetings, as any citizen has the right; however, they have no voting privileges at the full Board meetings.

**Functions:**

Ad Hoc Committees will be assigned for time limited, specific projects and purposes

**3) Selection of Committee Members**

The Executive Committee will appoint members of the Program Advisory Committees and Ad Hoc Committees in consultation with the HHS Director.

**VI. Board Structure**

