Urban Forestry Commission Rules of Procedure

The purpose of Rules of Procedure is to maintain consistency in board work and resolve internal conflict and confusion by establishing a standard and efficient process for conducting public business.

Mission Statement:
To protect and enhance the urban forest of the City of Asheville through education, collaboration, and policy initiatives that align with the City's Living Asheville Comprehensive Plan and provide for environmental equity and climate resilience.

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Article 1: Purpose

(a) Subject to such limitation as may be imposed by laws or regulations, the commission shall serve as an advisory board to the city council for the following purposes in order to further the public welfare:

(1) Facilitate the planting, growth and protection of trees within the city;

(2) Foster the communication and coordination among the citizens of the city that would provide the needed support for protection of trees within the city;

(3) Conduct continuing research, planning and feasibility assessments required to support the purposes stated in this section;

(4) Work with city staff to promote and enforce chapter 20 of this Code regarding the regulation of planting, protection, preservation and removal of trees.

(b) To carry out the purposes stated in subsection (a) of this section, the commission shall have the powers as follows:

(1) Appoint advisory task forces to make recommendations to the entire commission relative to specialized studies or projects which further the implementation of the purposes of the commission set forth in this division.

(2) Perform those tasks necessary and convenient to carry out the purposes of this commission.

Article 2: Authority

The Urban Forestry Commission was established by City of Asheville Ordinance No.1677, adopted 2-23-88, which Ordinance, as amended, is codified in the Code of Ordinances Section 2-156–2-164. This ordinance, as amended, directs the work of this board, with other duties and responsibilities to be determined by the City Council.

Article 3: Membership

A. *Composition:* Membership of the Board shall be governed by the City of Asheville Rules on Boards and Commissions adopted by Resolution No. 25-121 adopted on June 10, 2025. Each person appointed to serve as a member on any board, commission, or committee, whose appointment was made by the Asheville City Council shall serve at the pleasure of the Council.[Ordinance No. 5179, adopted October 14, 2024]

B. *Term Length:* The term length of Board members shall be governed by Section 2-51 of the Asheville Code of Ordinances, and by the ordinance or resolution which established term lengths for the board or commission.

C. Members may be eligible for reappointment after being off the Board for one year.

D. *Attendance:* It is expected that all members be present for at least 75% of regularly held meetings in a 12-month period. Members shall give the board Chair advance notice if they know they will not be able to attend a scheduled meeting. Absences in excess of this requirement may only be excused for good cause. Examples of good cause include, but are not limited to, illness, a death in the family, a court appearance, or a planned vacation. The Board may recommend the removal of members to the appointing body based on non-attendance.

If a board member arrives late to a meeting, and a quorum was established before they arrived, they can be counted as present for the purposes of this Article.

E. *Participation by Telephone or other Virtual Means*: Any one or more members may participate in a meeting by means of a conference telephone or similar communications device that allows all persons participating in the meeting to hear each other. Members who are participating via these means shall be counted as present for the purpose of quorum. They are permitted to participate in board discussions and are permitted to vote.

F. *Discipline/Removal:* Members of the Board may be disciplined or removed at the discretion of the appointing body. Any individual may file a complaint alleging a violation by a Board Member of the City's Rules on Boards and Commissions (i.e. conduct, ethics) by contacting the City Clerk's Office to request a Complaint form.

Article 4: Officers and Duties

A. *Chair*: Each Board shall have a Chair who shall preside at all board meetings and ensure that the work of the board is accomplished. The chair shall carry out the agenda, state and put to a vote all motions, rule on all points of order, sign any resolutions or other documents adopted or approved by the board, declare recesses and adjourn meetings (unless a member objects, in which case a full board vote is required to adjourn), and perform and carry out other duties as necessary and pertinent to the office.

The Chair shall be elected by a majority vote of the membership of the Board from among its members. The term of office for the Chair shall be for one year, or until a successor has been elected.

Appointment of subcommittees:

Any subcommittee, taskforce, or similar subset group of the full board or commission must obtain approval from its staff liaison, Department Director, Assistant City Manager (**who must verify with the City Attorney's Office**) before the subgroup can commence.

This applies even if the subgroup has existed for some time or the creation authority has been specifically granted in your ordinance/resolution.

If approval is granted, guidelines will be given in order to ensure compliance with all Open Meetings Laws, including notices, public access to meetings, quorums, etc.

Any group of Board members - less than a quorum - can meet together to discuss Board or Commission business.

However, the Board or Commission must not (1) vote to form the group; or (2) vote to change them with a specific purpose.

B. *Vice-Chair*: Each Board shall have a Vice-Chair who shall be elected by the board from among its members in the same manner and for the same term as the Chair. The Vice-Chair shall serve as Chair in the absence of the Chair, and when serving as Chair shall have all the same powers and duties of the Chair.

C. *Staff Liaison:* Each Board shall have a Staff Liaison whose responsibilities will include but not be limited to: (1) keeping accurate action minutes to submit to the Board for adoption; (2) maintaining the Board website and records for public access; and (3) arranging for all required public notices to be given.

Action minutes shall include item discussion topics and timestamps, as well as every motion acted upon by the Board, and all votes of members of the Board upon any motion or upon the final determination made by the Board, indicating the names of members absent or failing to vote.

D. *Secretary*: Should the board desire more detailed meeting minutes, they may elect a board secretary, whose responsibility it will be to prepare the detailed minutes to submit to the Board for adoption. The board secretary shall be elected by the board from among its members in the same manner and for the same term as the Chair.

<u>Article 5: Meeting Structure</u>

A. *Regular Meetings:* The Staff Liaison, in conjunction with the members of the board, shall establish its regular meeting schedule annually and set a regular meeting place for the year. They shall provide a copy of the regular meeting schedule to the City Clerk’s Office and post a copy on their board’s webpage.

The board may amend the meeting schedule as deemed necessary and in compliance with Open Meeting Law. The Staff Liaison shall notify the Clerk's office if there are any amendments to the regular meeting schedule.

Subcommittees shall establish a regular meeting schedule annually and set a regular meeting place for the year. They shall provide a copy of the regular meeting schedule to the City Clerk's Office and post a copy on their parent board's webpage. Notice of meetings of subcommittees shall be given as required by law by the parent board.

B. *Special Meetings*: Subject to the provisions of Article 33C of the N.C.G.S. Chapter 143 (Open Meetings Law), special meetings of the board may be called at any time by the Chair or a majority of the membership. At least forty-eight (48) hours written or oral notice of the time, place, and purpose of the Special Meeting shall be provided to the Clerk's Office. However, no special meeting may be held until City staff have had sufficient time to provide public notice and secure a meeting location sufficient to meet the standards of the Open Meetings Law.

C. *Emergency Meetings:* Subject to the provisions of Article 33C if the N.C.G.S. Chapter 143 (Open Meetings Law), emergency meetings may be called by the Chair or a majority of the membership. 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 email, 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.

D. *Quorum:* A quorum shall consist of a majority of the voting membership of the board, excluding vacant seats. If a quorum is not present, the Chair shall cancel the meeting, and no deliberations shall take place. If a member is formally excused by their board and leaves a meeting early, their departure impacts quorum. If a member withdraws from a meeting without being excused, that member continues to count toward quorum. Recusal of members from participation with respect to certain items due to a conflict of interest or other official duties shall not destroy a quorum.

E. *Procedure*: All meetings of this body shall be governed by these rules of procedure. If these rules fail to provide direction on a particular issue, the board may consult its designated legal counsel.

F. *Agenda:* The Chair, in consultation with the Staff Liaison, shall set the agenda for each meeting. Any member of the Board or staff may request that an item be placed on the agenda.

G. *Authority:* All boards shall adhere to the City of Asheville Rules on Boards and Commissions, the North Carolina Open Meeting Law, and all other applicable laws and regulations.

Article 6: Motions

A. *Action By The Board*: The board shall proceed by motion. Any member may make a motion.

B. *Second Required*: A motion shall require a second prior to a vote being taken upon the motion.

C. ONE MOTION AT A TIME: A member may make only one motion at a time.

D. *Substantive Motion:* A substantive motion is out of order while another substantive motion is pending. Only one substantive motion may be pending at a time.

E. *Adoption By Majority Vote:* Unless otherwise stated in these rules, the affirmative vote of a majority of all members of a board (excluding vacant seats) shall be necessary to adopt any vote. A vote to adjourn or regarding the attendance of absent members may be adopted by a majority of the members present.

F. *Debate:* Following a motion and a second, the chair shall state the motion and then open the floor to debate on it. The chair shall preside over the debate according to the following general principles:

    a. The introducer (the member who makes the motion) is entitled to speak first;

    b. A member who has not spoken on the issue shall be recognized before someone who has already spoken;

c. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

G. *Procedural Motions*: In addition to substantive proposals, the following procedural motions, and no other, shall be in order. Unless otherwise noted, each motion is debatable and may be amended.

The procedural motions are:

a. To Adjourn: The motion may be made only at the conclusion of action on a pending substantive matter; it cannot interrupt the deliberation of a pending matter.

b. To Take a Brief Recess

c. Call to Follow the Agenda: The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

d. Call of the Previous Question: The motion is not in order until there have been at least 20 minutes of debate, and every member has had an opportunity to speak once.

e. To Postpone (or Continue) a Matter to a Certain Time or Day

f. To Amend: An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the amended motion has the same effect as rejection of the original motion.

A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

g. To Reconsider: The motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment [or recess] to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

h. To Prevent Reconsideration for Six Months: The motion is in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual membership of the board, excluding vacant seats. If

adopted, the restriction imposed by the motion remains in effect for six months or until a majority of the board's membership has reseated with new members.

H. *Renewal of Motion:* A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

I. *Withdrawal or Modification of Motion:* A motion may be withdrawn or modified by the introducer at any time before a vote.

Article 7: Voting

A. *Requirement:* All voting members are entitled to one vote per action item, including the Chair. No member may abstain from voting if present, unless excused by the remaining members due to a legal conflict of interest. A recusal of this nature may only be granted if the member, or the member's immediate family, has a valid financial interest in the outcome of a vote. A personal perspective or advocacy for an issue, or even a predetermined inclination towards a certain outcome, shall not constitute a legal conflict of interest.

B. Unless excused, a failure to vote shall be recorded as an affirmative vote.

C. If a board member arrives late to a meeting, the Staff Liaison shall note in the meeting minutes which items the member was present for and voted on.

D. If a member leaves a meeting without being formally excused and a vote occurs in the member's absence, that nonvote counts as a "yes."

E. If a board member is excused and leaves a meeting early, the meeting minutes must note their absence in all subsequent votes as "excused."

F. *Roll Call Votes*: For virtual meetings or hybrid votes shall be conducted via roll call, to allow the minutes to reflect the vote of each Commission member. When a vote is taken, each member votes "Yes" or "No" as their name is called.

G. *Conflicts of Interest:* No board member shall take part in the consideration, deliberation, or vote in any case in which the member is personally or financially interested. A personal perspective or advocacy for an issue, or even a predetermined inclination towards a certain outcome, shall not constitute a legal conflict of interest.

When considering a development regulation, a member shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

A board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petitor or the applicant for a zoning text amendment is a person with whom the member has a close familial, business, or other associational relationship.

It is the responsibility of an individual board member to bring to the attention of the entire board any item for which there may be a conflict of interest, whether real or potential.

If a conflict exists, the board must vote to excuse a member from considering a particular item.

Legal assistance is available to all boards and commissions to help the board with decisions in this area.

Article 8: Public Address to the Committee

A. *Agenda*: The board may include a public comment period on every agenda.

B. *Time Limit*: Any person addressing the board shall be limited to 3 minutes. Public Comment shall not exceed 30 minutes at a board meeting.

C. *Request to be on the Agenda*: Any individual or group who wishes to address the board outside of general public comment periods may make a written request to the Staff Liaison at least three days before a meeting. The Chair and the Staff Liaison will determine, based upon the completeness of the request and any other necessary business of the board, whether the item will be placed on an agenda. If included on an agenda, the speaker will not be limited to 3 minutes, but rather a time limitation to be determined by the Chair and Staff Liaison in advance of the meeting. The Board will receive written information from any individuals or groups who cannot conclude their presentations within their allotted time.

D. Persons addressing the board are expected to observe decorum, be respectful of the board, City staff, and the public; refrain from the use of profanity or foul

language; refrain from personal attacks and commentary on candidates for political office; and refrain from making disclosures prohibited by the Personnel Privacy Act with respect to any City employee.

Article 9: Closed Session

The board may only hold closed sessions as provided by law and with the approval of the City Attorney's Office. The board shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the general purpose of the closed session and must be approved by the vote of a majority of those present and voting. The board shall terminate the closed session by a majority vote.

Only those actions specifically authorized by North Carolina law may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

Article 10: Public Decorum During Meetings

Members of the public who are present during board meetings shall observe the same rules of decorum as those who are addressing the board and shall abide by the restrictions of Article 8(D). Members of the public shall follow the instructions of the Chair or any other presiding officer and shall refrain from impeding or interrupting the conduct of business. This shall include, but not be limited to, clapping, yelling, or other audial expressions of approval or disapproval of comments made during the meeting. Failure to abide by these rules may result in removal from the meeting.

Article 11: Amendments

A. The board shall review these Rules of Procedure annually.

B. All proposed amendments must be presented in writing to include via email at a regular meeting and voted on by the board. Any amendments approved by a majority vote of the board members shall be presented to the City Attorney's Office for consideration.

These Rules of Procedure are adopted this ____ day of _____, 20_____.

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Board Chair (print) Board Chair Signature