Buncombe County Subcommittee Bylaws

	Countywide or		**Department: Planning**	**X**	**Board: Affordable Housing Subcommittee**
Supersedes: Bylaws Approved February 7, 2023 and amended February 4, 2025				**Effective Date:** April 1, 2025	
Authority: Buncombe County Board of Commissioners, February 5, 2019					

I. Purpose

To establish the general operating procedure for the Buncombe County Affordable Housing Subcommittee in compliance with state law and the Buncombe County Code of Ordinances.

II. Procedure Statement

A. Name and Office

The name of this organization is the Buncombe County Affordable Housing Subcommittee (hereinafter, sometimes, the "Subcommittee"). The principal office of the Subcommittee is located at 35 Woodfin St., Asheville, NC 28801.

The Subcommittee was established by the Buncombe County Board of Commissioners at its February 5, 2019 meeting. The Board of Commissioners expanded the Subcommittee membership on April 1, 2025 to include County residents in addition to original established three (3) Commission Members. The purpose of the Subcommittee is to engage with community partners, solicit public input and make housing affordability policy and funding recommendations to the Board of Commissioners for Buncombe County.

B. Membership

The Subcommittee shall consist of five (5) members and shall be appointed by the Buncombe County Board of Commissioners as follows:

1. Three (3) Commissioner Members shall be appointed from the membership of Buncombe County Board of Commissioners

2. Two (2) Resident Members shall be appointed from applicants with relevant experience in affordable housing, housing finance, or related areas.

C. Terms

1. Commissioner Members shall be appointed by the Buncombe County Board of Commissioners for terms of two (2) years in January in the year of appointment.
2. Resident Members shall be appointed by the Buncombe County Board of Commissioners for terms of two (2) years beginning July 1 in the year of appointment. Provided, that in the initial appointment, appointments will be made in May, and initial terms will end on the last day of June one (1) year later for one (1) member and the last day of June two (2) years later for one (1) member.
3. No Resident Member shall serve more than two (2) successive terms.
4. Any vacancy on the Subcommittee regardless of how created shall be filled by appointment by the Board of Commissioners for the unexpired term of the vacant position.
5. The Board of Commissioners may remove any Subcommittee member at any time for incapacity, unfitness, misconduct, or neglect of duty as the Board of Commissioners might determine in its sole discretion.
6. Non-elected members may not serve on more than two county appointed boards, committees, or authorities unless exempted by nature of the position he or she may hold in governmental service

D. Officers

1. Chair and Vice-Chair

The Subcommittee members shall appoint a Chairperson from the Commissioner Members and Vice-Chairperson from its membership by majority vote to serve a one (1) year term and until such person's successor is appointed by the Subcommittee. Said appointments should be made during the first regularly scheduled meeting of each calendar year and take effect immediately upon the successful majority vote.

2. Clerk

The Buncombe County Community Development Division Manager, or said Division Manager's designee, shall be the Clerk to the Subcommittee. The Clerk to the Subcommittee shall have no voting privileges. The Clerk to the Subcommittee shall prepare meeting agendas; shall keep a true and accurate account of all proceedings of Subcommittee meetings; shall issue notices of all regular meetings and, on the authorization of the Chair; shall issue the call for special meetings; shall coordinate the participation of alternate members in an

equitable manner and in accordance with the directives of the Chair; shall administer oaths to witnesses in any matter coming before the Subcommittee; shall maintain the minutes and other records of the Subcommittee; and shall notify the County Manager's office and the Clerk to the Board of any vacancies on the Subcommittee. The Clerk to the Subcommittee may appoint one or more deputy clerks to aid in exercising the duties of the office.

E. Subcommittee Meetings

1. Regular Schedules

a) The Subcommittee shall hold a regular meeting on the first Tuesday of every month at 1:00 p.m.

b) In person meetings will be held at 30 Valley St., Asheville, NC 28801. Items on the Agenda for a specific meeting not fully addressed may be continued to a future meeting of the Subcommittee.

c) The Subcommittee may also conduct its meeting in a hybrid meeting format whereby some or all members may participate by telephone or electronic means. When the Subcommittee holds a hybrid meeting 30 Valley St., Asheville, NC 28801 will serve as the location whereby members of the public may listen to the meeting.

d) In accordance with North Carolina's open meetings laws, the schedule of regular meetings shall be filed with Clerk to the Buncombe County Board of Commissioners and shall be posted on Buncombe County's Website. All Subcommittee meetings are to be held in accordance with N.C. Gen. Stat. § 143-318.9 et seq., commonly referred to as the Open Meeting Law.

2. Special Meetings

The Chairperson or a majority of the members of the Subcommittee may at any time call a special meeting of the Subcommittee 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 Chairperson and all of the Subcommittee 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 at the door of its usual meeting room and 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.

3. Agenda

The Clerk shall have administrative oversight in preparing the agenda for the meeting.

The Subcommittee may by unanimous vote add an item that requires immediate action that is not on the agenda.

A majority of members of the Subcommittee may add an item to the agenda. Such request to have an item of business placed on the agenda must be received by the Clerk no later than one week prior to the next regular meeting.

4. Public Comment

a) Public Comment at the Beginning of Meetings. There shall be a public comment period at the beginning of every regular meeting limited to three minutes for any individual or representative addressing the Subcommittee. Section XIII of the Policies and Procedures for the Buncombe County Board of Commissioners regarding public comment is incorporated by reference herein and the Subcommittee reserves the right to invoke its contents, in whole or in part, from time to time, at the discretion of the presiding Officer.

b) Public Comment on New Business Items. Any individual wishing to address a specific item on the "New Business" agenda may be recognized by the Chair only after each Subcommittee Member has been afforded the opportunity to discuss the specific agenda item and after a majority of members of the Subcommittee have requested public comment on a new business item. The time limit for any individual or representative wishing to address the Subcommittee on a specific agenda item shall be three minutes, unless a majority of the Subcommittee agrees to additional time.

c) Public Comment on Old Business Items. Items of "Old Business" will not be scheduled to include public comment. However, should a majority of members of the Subcommittee request an opportunity for public comment on an old business item then the Chair will recognize any individual wishing to address such item, but only after each Subcommittee member has been afforded the opportunity to discuss the item. The time limit for any individual or representative wishing to address the Subcommittee on a specific agenda item shall be three minutes, unless a majority of the Subcommittee agrees to additional time.

5. Conflict of Interest

Subcommittee Members shall not vote on any matter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Subcommittee Members shall not vote on any matter involving a person with whom the member has a close familial, business, or other associational relationship.

It is the duty of every Subcommittee Member to report all conflicts of interest and potential conflicts of interest to the Chairperson (or Vice Chairperson) and Clerk, as soon as they emerge, in order to be excused from voting on the matters. If an objection is raised to a Subcommittee Member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the Subcommittee shall by majority vote rule on the objection.

For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

6. Presiding Officer

The Chair of the Subcommittee shall preside at Subcommittee meetings if he or she is present. If the Chair is absent for all or part of a meeting, the Vice-Chair shall preside. If the Chair and Vice-Chair are both absent for all or part of a meeting, another member of Subcommittee designated by a majority vote of members present at the meeting shall preside. The Presiding Member shall have the following powers:

- To rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her 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.

7. Quorum

A quorum shall be three (3) members of the Subcommittee. 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.

8. Voting

No vote may be taken without a quorum being present.

9. Remote Participation

A member may make an appearance at a meeting by telephone or other electronic
means and vote on any matter coming before the Subcommittee at such meeting. Such appearance will count toward calculation of the necessary members present to constitute a quorum.

10. Minutes

The Clerk shall prepare minutes of each Subcommittee meeting. Copies of the minutes shall be made available to each Subcommittee member before the next regular Subcommittee meeting. At each regular meeting, the Subcommittee 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 Subcommittee meeting minutes at the County Administration Building, 200 College St., Asheville, NC 28801. Said minutes will also be available on the website at:
https://www.buncombecounty.org/transparency/boards-commissions/affordable-housing.aspx

11. Absences

The attendance of Subcommittee members shall be recorded in the minutes.

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 Subcommittee

a) The Subcommittee shall proceed by motion. Any member, including the Chairperson, may make a motion. A motion need not a second.

b) A member may make only one motion at a time.

c) A substantive motion is out of order while another substantive motion is pending.

d) 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.

e) The Chairperson shall state the motion and then open the floor to debate on it.

The Chairperson 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. 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 Subcommittee and would require 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 equal to 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 the Previous Question**. The motion is not in order until every member of the Subcommittee 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 as been referred to a committee, the introducer may compel consideration of the measure by the entire Subcommittee, regardless of whether the committee has reported the matter back to the Subcommittee.
j) **To Amend**. An Amendment to a motion must be germane to the subject matter of the motion, 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 Chairperson.

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 a 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 Chairperson, 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 Chairperson, who shall take a vote of the remaining members. The Subcommittee shall excuse a member from voting and participating in any matter in which such a member has an impermissible conflict of interest or whose participation would otherwise violate any party's constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed *ex parte* communications; a close familial, business, or other associational relationship with an affected person; or a financial interest in the outcome of the matter.

H. Compliance with North Carolina Law

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

III. Procedure Responsibility and Management

- This procedure should be reviewed annually by the Subcommittee Chair and the County's Legal Department.