



HANDBOOK  
FOR THE APPOINTED  
BOARD AND COMMITTEE MEMBERS OF  
THE TOWN OF OAK ISLAND, NORTH CAROLINA  
OCTOBER 14, 2025

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# INTRODUCTION

Thank you for volunteering to serve on one of the Town of Oak Island's advisory boards or committees! Volunteers serve an important role in Town government, and your elected officials and Town staff look forward to working with you. Serving on a committee is an opportunity to collaborate with local government and to help shape decisions and policies that can affect our Town for years to come.

Boards and committees advise Town Council on a wide variety of subjects by making recommendations on policy matters or on other topics as requested by Council. The Boards' and Committees' Chairs and Vice Chairs shall meet quarterly with the Mayor, as a group, to discuss committee undertakings, work, and any actions with the intent of sharing information and encouraging dialogue amongst advisory board members. Twice a year, each Board will report to Town Council at a regular monthly meeting, via that Board's Chair and Vice Chair. The mission, responsibilities, and time commitments for each committee vary. A complete description of all of the Town committees is included in this handbook. Each Board's Chair will provide a brief orientation prior to the first meeting, ensuring the newly-elected committee member signs the Acknowledgement of Receipt from the Boards & Committees handbook. Some of the committees, such as the ABC Board and the Board of Adjustment, have specific guidelines mandated by State law. The purpose and guidelines for the Planning Board and the Recreation Advisory Board are included in the Town ordinances. The remaining committees were created by, and are organized through, Council action. The Town's policies and ordinances for committee member attendance and other general rules, the Code of Ethics, and the communications guidelines, are also included in this Handbook.

Unless otherwise indicated, serving on a committee is restricted to residents of the Town of Oak Island, and per Council policy, residents may only serve on one committee at a time. Committee vacancies are advertised monthly as needed, and applications are available at Town Hall and on the Town's website, [www.oakislandnc.gov](http://www.oakislandnc.gov). Committees have varying time periods for terms; Council considers applications at the regular monthly meetings when positions are available.

We've also included some relevant State statutes regarding open meetings and public record law in this Handbook. If there are any questions about these guidelines, any of the committees, or about serving on a committee, please contact the Deputy Town Clerk, Erin Baker, at (910) 201-8111 or [ebaker@oakislandnc.gov](mailto:ebaker@oakislandnc.gov)

Thank you for your service to the Town of Oak Island!

# EXCERPTS FROM N.C. GENERAL STATUTES

## OPEN MEETINGS

### §143-318.9. PUBLIC POLICY:

Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly. (1979, c. 655, s. 1.)

### §143-318.10. ALL OFFICIAL MEETINGS OF PUBLIC BODIES OPEN TO THE PUBLIC:

- (a) Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting.
- (b) As used in this Article, "public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. In addition, "public body" means the governing board of a "public hospital" as defined in G.S. 159-39 and the governing board of any nonprofit corporation to which a hospital facility has been sold or conveyed pursuant to G.S. 131E-8, any subsidiary of such nonprofit corporation, and any nonprofit corporation owning the corporation to which the hospital facility has been sold or conveyed.
- (c) "Public body" does not include (i) a meeting solely among the professional staff of a public body, or (ii) the medical staff of a public hospital or the medical staff of a hospital that has been sold or conveyed pursuant to G.S. 131E-8.
- (d) "Official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.
- (e) Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and

sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 4; 1991, c. 694, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 570, s. 1; 1995, c. 509, s. 135.2(p); 1997- 290, s. 1; 1997- 456, s. 27; 2011-326, s. 8.)

#### **§143-318.13. ELECTRONIC MEETINGS; WRITTEN BALLOTS; ACTING BY REFERENCE:**

(a) **Electronic Meetings.** - If a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location. A fee of up to twenty-five dollars (\$25.00) may be charged each such listener to defray in part the cost of providing the necessary location and equipment.

(b) **Written Ballots.** - Except as provided in this subsection or by joint resolution of the General Assembly, a public body may not vote by secret or written ballot. If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

(c) **Acting by Reference.** - The members of a public body shall not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon. However, this subsection does not prohibit a public body from deliberating, voting, or otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted upon, are available for public inspection at the meeting. (1979, c. 655, s. 1.)

#### **§143-318.14. BROADCASTING OR RECORDING MEETINGS:**

(a) Except as herein below provided, any radio or television station is entitled to broadcast all or any part of a meeting required to be open. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.

(b) A public body may regulate the placement and use of equipment necessary for broadcasting, photographing, filming, or recording a meeting, so as to prevent undue interference with the meeting. However, the public body must allow such equipment to be

placed within the meeting room in such a way as to permit its intended use, and the ordinary use of such equipment shall not be declared to constitute undue interference; provided, however, that if the public body, in good faith, should determine that the size of the meeting room is such that all the members of the public body, members of the public present, and the equipment and personnel necessary for broadcasting, photographing, filming, and tape-recording the meeting cannot be accommodated in the meeting room without unduly interfering with the meeting and an adequate alternative meeting room is not readily available, then the public body, acting in good faith and consistent with the purposes of this Article, may require the pooling of such equipment and the personnel operating it; and provided further, if the news media, in order to facilitate news coverage, request an alternate site for the meeting, and the public body grants the request, then the news media making such request shall pay any costs incurred by the public body in securing an alternate meeting site. (1979, c. 655, s. 1.)

# EXCERPTS FROM N.C. GENERAL STATUTES

## PUBLIC RECORDS LAW

### §132-1. "PUBLIC RECORDS" DEFINED:

(a) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

(b) The public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people. Therefore, it is the policy of this State that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law. As used herein, "minimal cost" shall mean the actual cost of reproducing the public record or public information. (1935, c. 265, s. 1; 1975, c. 787, s. 1; 1995, c. 388, s. 1.)

### §132-1.2. CONFIDENTIAL INFORMATION:

Nothing in this Chapter shall be construed to require or authorize a public agency or its subdivision to disclose any information that:

- (1) Meets all of the following conditions:
  - a. Constitutes a "trade secret" as defined in G.S. 66-152(3).
  - b. Is the property of a private "person" as defined in G.S. 66-152(2).
  - c. Is disclosed or furnished to the public agency in connection with the owner's performance of a public contract or in connection with a bid, application, proposal, industrial development project, or in compliance with laws, regulations, rules, or ordinances of the United States, the State, or political subdivisions of the State.
  - d. Is designated or indicated as "confidential" or as a "trade secret" at the time of its initial disclosure to the public agency.
- (2) Reveals an account number for electronic payment as defined in G.S. 147-86.20 and obtained pursuant to Articles 6A or 6B of Chapter 147 of the General Statutes or G.S. 159-32.1.
- (3) Reveals a document, file number, password, or any other information maintained by the Secretary of State pursuant to Article 21 of Chapter 130A of the General Statutes.
- (4) Reveals the electronically captured image of an individual's signature, date of birth,

drivers license number, or a portion of an individual's social security number if the agency has those items because they are on a voter registration document.

(5) Reveals the seal of a licensed design professional who is licensed under Chapter 83A or Chapter 89C of the General Statutes that has been submitted for project approval to (i) a municipality under Part 5 of Article 19 of Chapter 160A of the General Statutes or (ii) to a county under Part 4 of Article 18 of Chapter 153A of the General Statutes.

Notwithstanding this exemption, a municipality or county that receives a request for a document submitted for project approval that contains the seal of a licensed design professional who is licensed under Chapter 83A or Chapter 89C of the General Statutes and that is otherwise a public record by G.S. 132-1 shall allow a copy of the document without the seal of the licensed design professional to be examined and copied, consistent with any rules adopted by the licensing board under Chapter 83A or Chapter 89C of the General Statutes regarding an unsealed document.

(6) Reveals documents related to the federal government's process to determine closure or realignment of military installations until a final decision has been made by the federal government in that process.

(7) Reveals name, address, qualifications, and other identifying information of any person or entity that manufactures, compounds, prepares, prescribes, dispenses, supplies, or administers the drugs or supplies obtained for any purpose authorized by Article 19 of Chapter 15 of the General Statutes. (1989, c. 269; 1991, c. 745, s. 3; 1999-434, s. 7; 2001-455, s. 2; 2001-513, s. 30(b); 2003-226, s. 5; 2004-127, s. 17(b); 2009-346, s. 1; 2014-79, s. 8; 2015-198, s. 6.)

#### **§132-2. CUSTODIAN DESIGNATED:**

The public official in charge of an office having public records shall be the custodian thereof. (1935, c. 265, s. 2.)

#### **§132-3. DESTRUCTION OF RECORDS REGULATED:**

(a) Prohibition. - No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5 and G.S. 130A-99, without the consent of the Department of Natural and Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, defaces, mutilates or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00).

(b) Revenue Records. - Notwithstanding subsection (a) of this section and G.S. 121-5, when a record of the Department of Revenue has been copied in any manner, the original record may be destroyed upon the order of the Secretary of Revenue. If a record of the Department of Revenue has not been copied, the original record shall be preserved for at least three years. After three years the original record may be destroyed upon the order of the Secretary of Revenue.

(c) Employment Security Records. - Notwithstanding subsection (a) of this section and G.S. 121-5, when a record of the Division of Employment Security has been copied in any



manner, the original record may be destroyed upon the order of the Division. If a record of that Division has not been copied, the original record shall be preserved for at least three years. After three years the original record may be destroyed upon the order of the Assistant Secretary of Commerce. (1935, c. 265, s. 3; 1943, c. 237; 1953, c. 675, s. 17; 1957, c. 330, s. 2; 1973, c. 476, s. 48; 1993, c. 485, s. 39; c. 539, s. 966; 1994, Ex. Sess., c. 24, s. 14(c); 1997-309, s. 12; 2001- 115, s. 2; 2011-401, s. 3.16; 2015-241, s. 14.30(s).)

# TOWN OF OAK ISLAND POLICY AND PROCEDURES FOR APPOINTMENTS TO TOWN BOARDS, COMMISSIONS, COMMITTEES, AND AUTHORITIES

(ADOPTED BY TOWN COUNCIL MARCH 14, 2023; AMENDED OCTOBER 14, 2025)

## SECTION 1. THE POLICY OF OAK ISLAND GOVERNING APPOINTMENTS TO THE VARIOUS BOARDS, COMMISSIONS, COMMITTEES, OR AUTHORITIES IS AS FOLLOWS:

- A. Any resident of Oak Island is eligible to serve on the appointed boards, commissions, committees, or authorities of the Town, where such appointment is not prohibited by state statute or Oak Island policy.
- B. No applicant will be considered for appointment to a board, commission, committee or authority where he or she has an immediate family member employed by such agency or department.
- C. All appointments will be made according to the Appointments Statute or Ordinance that created that board, commission, committee, or authority.
- D. No resident of Oak Island may serve in more than one appointed position of Oak Island government, unless exempted by nature of the position he or she may hold in governmental service.
- E. Unless otherwise stated by Statute or Charter, all terms of office shall be three years. No appointees may serve more than two consecutive terms. This policy may be waived if the Town Council determines that the removal of that individual would be detrimental to the functioning of that board, commission, committee, or authority.
- F. Whenever any appointee shall incur three unexcused absences, said appointee's failure to attend shall be reported by the presiding officer of the respective board, committee, commission, or authority to the Town Council. Such unexcused absences on the part of any appointee may, at the election of the Town Council, be deemed to constitute resignation on the part of the appointee from such board, committee, commission, or authority. Excused absences are defined as absences caused by events beyond one's control and are subject to approval by the Board on which the appointee is serving.

- G. All appointees have an obligation to conform their behavior to standards of ethical conduct that maintain the trust of the Mayor and Council. While holding a position on an Advisory Board, the appointee will show respect to other Town administration and personnel. The appointee will refrain from commenting or posting anything that would cause the Town disfavor. Each committee member, both newly-appointed and reappointed, will sign an Acknowledgement of Receipt from the Boards & Committees handbook affirming they have received and understand the requirements.

Appointees may be removed from service for violations of the Town's "Code of Ethics for Appointed Board and Committee Members" (adopted March 14, 2023 and as amended thereafter).

In addition, appointees who fail to maintain the trust of Council as outlined in Section 2 of the "Code of Ethics for Appointed Board and Committee Members" (adopted March 14, 2023 and as amended thereafter) may be removed upon a vote of "no confidence" approved by a 4/5ths majority of Town Council.

- H. Upon resignation or removal, the Town Council may select a replacement from the applications of persons who applied for the last vacancy on such board, committee, commission, or authority, with public notice, advertisement, or action by Town Council, or may advertise for applications to fill the vacancy.
- I. Each appointee must uphold Town policies pertaining to the board, committee, commission, or authority on which he/she serves.
- J. If a board member believes he/she has a conflict or potential conflict of interest on a particular issue, that member should state this belief to the other members of his/her respective board during a public meeting. The member should state the nature of the conflict, detailing that he/she has a separate, private or monetary interest, either direct or indirect, in the issue under consideration. The member should then excuse himself/herself from voting on the matter.
- K. An appointee will not be considered for any employment vacancy in the agency or department he/she is serving, until said appointee resigns his/her seat on the board, committee, commission, or authority, thirty (30) days before being considered for the vacancy. Should the appointee not be selected to fill the vacancy, he/she will not be eligible for reappointment to the board, committee, commission, or authority.

## **POLICY AND PROCEDURES FOR APPOINTMENTS TO TOWN BOARDS, COMMISSIONS, COMMITTEES, AND AUTHORITIES:**

- A. The Town Clerk will maintain a binder containing a list of all Town appointments with the following data provided:
1. Name of the board, commission, committee, or authority.
  2. Brief on the functions of each board, commission, committee, or authority.
  3. Statute or cause creating the board, commission, committee, or authority.
  4. Number of members and terms of office.
  5. Current members, addresses, telephone numbers, terms of office, numbers of terms served, and expiration dates.
  6. Regular meeting day, time, and location.

## **SECTION 2. PROCEDURES FOR FILLING VACANCIES FOR APPOINTED POSITIONS:**

- A. Notification of Available Appointments
1. A list of available positions and a deadline for receiving applications will be published in the newspaper and on the Town's website. This procedure will be carried out by the Town Clerk.
  2. Thirty (30) days prior to the terms expiring, the Town Clerk will mail/email a notice to each person who is eligible for reappointment, requesting information on his or her interest in continuing to serve. If an individual is not eligible for reappointment, he or she will be notified and given the reason for being ineligible.
  3. If, because of policy or otherwise, an individual is not reappointed, he or she will be presented a Certificate of Appreciation for service signed by the Mayor.
- B. Selection Process
1. All applications for a particular position must be submitted to the Town Clerk by the date specified in the advertisement. Only complete applications will be considered. The Clerk will check each for eligibility.
  2. All applications will be forwarded to the Town Council with those who are ineligible noted and the reasons for ineligibility given. Town Council members should make appointment decisions objectively and rely solely upon the application including the required and requested qualifications of the applicant presented before them.
  3. The Town Clerk shall place on the agenda the "Appointments" for action at the next meeting of the Town Council.
- C. Notification of Appointment

1. The Town Clerk shall prepare a letter of notification to the appointee and a copy of the affected board, commission, committee, or authority notifying each of the appointment.

D. Applications

1. All applications received shall be retained for 12 months. Applications shall be kept on file for all active appointees. All of the above data shall be maintained by the Town Clerk for use by Town Council.
2. Appointees eligible for reappointment will be required to submit an updated application.

# RULES OF PROCEDURE

(ADOPTED OCTOBER 14, 2025. THIS INCORPORATES AND REPLACES THE 2022 RULES OF PROCEDURE)

## RULES OF PARLIAMENTARY PROCEDURE:

The Town Council has adopted a Rules of Procedure as its rules of parliamentary procedure and expects the Boards and Committees to follow the same rules.

All appointed Boards and Committees shall comply with these Rules of Procedure, and shall become effective upon enactment by the Town Council of Oak Island. In cases where the Rules of Procedure conflict with any Federal or State laws, or Town Ordinance, said laws and ordinances shall govern.

NOTE: Due to their legislative actions, the Board of Adjustment and Planning Boards have additional Rules of Procedure which are an Addendum to this General Rules of Procedure.

## ORDER OF MEETINGS:

Meetings shall follow a prescribed order. During the Adjustment/Approval of the Agenda, Board members may request a re-ordering of specific items on the agenda. A 4/5ths majority approval of the quorum of members present is required to modify the order of the agenda.

Following is the prescribed method for meeting order:

Call to Order

Pledge of Allegiance (Board of Adjustment and Planning Board are required)

Presentations

Adjustment/Approval of the Agenda

Approval of Minutes

Public Comment

Old Business

New Business

Board Member Reports

Staff Reports

Adjourn

## REGULAR MEETINGS:

Boards and Committees will meet on a regularly scheduled monthly basis as maintained by the Clerk to the Board. The exceptions are the Board of Adjustment which meets subject to having hearings to conduct and the Planning Board in the event there is nothing on the agenda to discuss or requiring a vote. By 4/5ths vote, the Board or Committee may change

its regular meeting date due to holidays and other circumstances. Town staff, in collaboration with the Chairperson and Vice-Chairperson, may amend the meeting date to reschedule as needed.

#### **ADJOURNED AND SPECIAL OR CALLED MEETINGS:**

Special meetings may be called by the Chairperson. The Chairperson shall also call a special meeting when requested to do so in writing by a 4/5ths majority of the members of the Board, such instrument containing the subjects to be considered. Written notice of a special meeting shall be given to the Town Clerk and each member of the Board at least 48 hours prior to the time of the meeting. The Town Clerk will notify the media at least 48 hours prior to the time of the meeting. A copy of the notice shall be posted outside of the lobby of Town Hall.

The notice shall specify the time, date, location, and purpose of the meeting and only special meeting topics that were advertised may be transacted at such meeting. Any Board member may waive the requirement of written notice required by this section.

#### **OPEN MEETINGS:**

All Board and Committee meetings shall be open to the general public and to the media and shall comply with applicable North Carolina General Statutes. Meetings may be recorded by the public and the media, provided such recordings do not interfere with orderly conduct of the meetings and do not constitute a persistent disruption of the proceedings.

#### **PUBLIC COMMENTS:**

All meetings shall have a Public Comment period whereby anyone is allowed to address the Board or Committee on any topic. The speaker will be asked to state their name and address for the record and shall be allowed three minutes to speak. The Chair will notify the speaker when their time limit is reached.

# OFFICES

## ELECTION AND TERMS OF OFFICE:

Officers shall assume their duties immediately following the election and serve a one-year term, with eligibility for reelection.

In the event of the Chairperson's resignation, removal, or termination from the Board, the Vice-Chairperson shall assume the role of Chairperson for the remainder of the term. A new Vice-Chairperson shall be elected at the next regular meeting to serve the remainder of the term.

## DUTIES OF OFFICERS:

**Chairperson:** The Chairperson shall preside over all board meetings, ensure orderly and productive discussions, and appoint all committees. The Chairperson, in collaboration with the Secretary, shall ensure that copies of official reports, minutes of all Regular and Special meetings, and agendas are distributed to Board members prior to the next scheduled meeting.

**Vice-Chairperson:** In the absence of the Chairperson, the Vice-Chairperson shall assume all duties of the Chairperson.

**Temporary Chairperson:** In the absence of both the Chairperson and Vice-Chairperson, the Board members present, provided a quorum is met, shall select a Temporary Chairperson to preside over the meeting.

**Secretary:** A member of the Board or Commission shall serve as the Secretary to the Board. The Secretary shall be responsible for maintaining accurate records, preparing official reports and minutes of all Regular and Special meetings, and distributing these documents to Board members in a timely manner prior to the next scheduled meeting.

**Staff Liaison:** A staff liaison to Boards and Committees is a member of the Town staff and is assigned by the Town Manager or his/her designee. They have knowledge and expertise in the functional area in which the Boards and Committees are involved and provide essential support by serving as a communication link between the Board/Committee and the Town Manager and Town staff. The staff liaison offers resources and information and ensures the Board/Committee operates effectively and aligns with Town Council's goals.

The staff liaison's key responsibilities include:



1. Providing factual information to help Board/Committee members make their decisions and formulate their advice to the Town Council
2. Developing the agenda in collaboration with the Chair and ensure, in collaboration with the Town Clerk, meeting schedules, agenda posting and packets, etc. and ensure proper procedure is followed
3. Serving as a primary point of contact, facilitating communication between the Board, staff, and leadership
4. Fostering collaborative and positive working relationships within the Committee and with other stakeholders
5. Supporting consistent and efficient operation of the Board/Commission
6. Creating a clear channel for communication, ensuring everyone is informed and aligned
7. Assisting the Board/Committee Chair and Vice-Chair to set-up quarterly meetings with the Mayor and biannual reports to Town Council.
8. Presenting the Board's/Committee's budget requests to their department director for inclusion in the annual Town budget request process.

### **SUBCOMMITTEES:**

A subcommittee can be formed with the approval of the Oak Island Town Council to research and make recommendations on special issues or areas in order to carry out the duties of the affiliated Board or Committee.

### **DIVERSITY OF MEMBERSHIP:**

The Town is committed to ensuring that its citizen advisory boards and committees reflect the full diversity of our community. A broad range of perspectives—across age, background, profession, culture, and lived experience—strengthens decision-making and helps ensure that recommendations are inclusive, equitable, and responsive to the needs of all residents.

Diverse membership fosters creativity, innovation, and balanced discussion. It allows boards and committees to better anticipate challenges, identify opportunities, and build trust with the community they serve. By welcoming and valuing different voices, the Town ensures that advisory bodies remain representative, forward-thinking, and deeply connected to the people they are designed to support.

## **CONFLICT OF INTEREST:**

If a Committee member believes he/she has a conflict or potential conflict of interest on a particular issue, that member should state this belief to the other members of his/her respective board during a public meeting. The member should state the nature of the conflict, detailing that he/she has a separate, private, or monetary interest, either direct or indirect, in the issue under consideration. The member should then excuse himself/herself from voting on the matter.

## **COMPENSATION:**

Appointed members of the Town of Oak Island's advisory Boards and Committees, unless specifically stated otherwise in their charter, shall receive no compensation for their services.

## **LIMITATION OF POWERS:**

Compliance with statutes and ordinances:

Nothing contained in this statement of policy and procedures shall be construed to be in conflict with any state law or Oak Island Town ordinance. Should there be an appearance of conflict, the appropriate state law or Town ordinance shall prevail.

Neither the citizen advisory committee, nor any member thereof, shall:

1. Incur Town expense or obligate the Town in any manner.
2. Release any written or oral report of any board activity to any individual or body other than the Office of the Town Manager. The committee Chairperson may issue a press release after consultation with the Town Manager.
3. Independently investigate citizen complaints against a Town department or an employee of a department.
4. Conduct any activity that might constitute or be construed as an official governmental review of department or employee actions.
5. Conduct any activity that might constitute or be construed as establishment of Town or department policy.
6. Violate the confidentiality of any information related to matter involving pending or forth-coming civil or criminal litigation.

Matters pertaining to discipline will be the sole responsibility of the Oak Island Town Council and not the citizen advisory committee. The activities of the citizen advisory committee shall, at all times, be conducted in accordance with all federal, state, and local laws.



## **Code of Ethical Conduct for Appointed Board and Committee Members of the Town of Oak Island, North Carolina**

WHEREAS, North Carolina General Statute §160A-86 requires local governing boards to adopt a code of ethics; and

WHEREAS, the Town of Oak Island elected officials have previously adopted a Code of Ethics for the Mayor and Council Members. The Town Council has also determined that it is also appropriate for appointed members of Town Board and Committees (hereinafter collectively referred to as “Board Members”) to adhere to a locally adopted policy of Code of Ethics.

NOW, THEREFORE, in recognition of the privilege and expectations to serve in an advisory capacity to the Town Council of the Town of Oak Island, and in acting pursuant to the requirements of North Carolina General Statute §160A-86, the below principals are written to help guide Board Members in their decision-making.

### **GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICAL CONDUCT**

The stability and proper operation of democratic representative government depends upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.

Government decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

Board Members must be able to act in a manner that maintains their integrity and independence yet are responsive to the interests and needs of the Oak Island Town Council.

Board Members must always remain aware that they may, at various times, play different roles:

- As advisors, who balance the public interest and private rights in considering and recommending, among other things, ordinances, policies, and decision.
- As decision-makers, who arrive at fair and impartial determinations.
- Board Members must know how to distinguish between these roles, to determine when each role is appropriate, and to act accordingly.
- Board Members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of the Mayor and Town Council Members and the citizens of Oak Island.

# CODE OF ETHICAL CONDUCT

The purpose of this Code of Ethical Conduct is to establish guidelines for ethical standards of conduct for Board and Committee members and to help determine what conduct is appropriate in particular cases. It should not be considered as a substitute for the law or for a member's best judgment.

## SECTION 1:

Board members should obey all laws applicable to their official actions. Board members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, Board members should feel free to assert policy positions and opinions without fear of reprisal from fellow Board members or citizens. However, in doing so, Board members:

- shall be mindful that they were appointed by Council to a Board or Committee and, therefore, if they are advising or advocating a position that is contrary to a Council policy, that they notify the Mayor, Town Council, and Town Manager of such as soon as practicable;
- who serve in an advisory capacity shall be mindful that their chief responsibility is to advise the Town Council, rather than to advocate to the public at large, particularly when the position of advocacy is contrary to a Council policy;
- Board members shall not represent their individual views as being representative of the full body unless they have been formally authorized by the body to do so.

These guidelines are especially important to Chairpersons who must recognize that they are authorized to speak for the body only to Town Council.

A Board or Committee member may identify a fellow Board or Committee member's behavior as unethical. Once identified, the Board or Committee member must share their observations with the Town Council. Only the Town Council may remove a Board or Committee member. To declare that a Board or Committee member is behaving unethically because one disagrees on a question of policy is unfair, dishonest, irresponsible, and itself unethical.

## SECTION 2:

Board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Exhibiting trustworthiness

- Using their best independent judgment to remain consistent with the goals of the Town, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- For Board members who act in a quasi-judicial capacity, disclosing contacts and information about issues that they receive outside of public meetings, refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves, and refraining from reaching decisions until all sides have been heard
- Treating other Board members and the public with respect and honoring the opinions of others even when the Board member disagrees with those opinions
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual Board members are not generally allowed to act or speak on behalf of the entire Board, Committee, or the Town and may only do so if specifically authorized by the Town Council.

#### **SECTION 3A:**

Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach and they should not use their official position for personal gain. Although opinion may vary about what behavior is inappropriate, the Town Council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the Board member's action would conclude that the action was inappropriate.

#### **SECTION 3B:**

If a Board member believes that his or her actions, while legal and ethical, may be misunderstood, the official should seek the advice of the Town Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the Town Attorney).

#### **SECTION 3C:**

Board members have a duty to disclose any situation that involved personal, familial, or business relationships that may give rise to a real or perceived conflict of interest. A conflict of interest may exist when the interests of an appointed Board member may be seen as competing with the interests of the Town of Oak Island and/or its taxpayers. An appointed Board member may be considered to have a conflict of interest whenever they or their relative has an existing or potential financial or other material interest that impairs or might appear to impair their independence or objectivity in the discharge of their responsibilities to the Town of Oak Island. Additionally, personal and business

relationships may cause “dual loyalties” that are unrelated to personal financial gain, but nonetheless may raise conflict of interest concerns.

#### SECTION 3D:

Board members are prohibited from accepting gifts, monies, or gratuities from persons receiving benefits or services from the Town, as well as from any person or organization performing or seeking to perform services under contract with the Town.

#### SECTION 4:

Board members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

- Board members should meet attendance expectations and be prepared for all meetings.
- Board members should be willing to bear their fair share of the body’s workload.  
Board members should be willing to put the Town’s interests ahead of their own.

#### SECTION 5:

Board members should conduct the affairs of the Board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public’s trust. They should remember when they meet that they are conducting the public’s business. They should also remember that local government records belong to the public and not to them or Town employees.

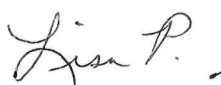
In order to ensure strict compliance with the laws concerning openness, the Mayor and Town Council have made it clear that an environment of transparency and candor is to be maintained at all times in the governmental unit.

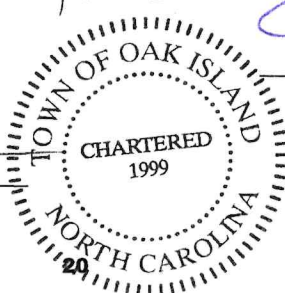
#### SANCTIONS:

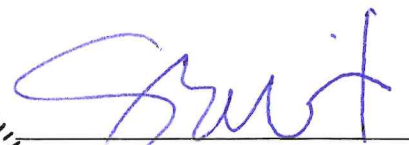
Following the review of an allegation against a Board member that said Board member has violated this policy, the Town Council may choose to remove or censor a member if the Council determines, by way of a 4/5ths majority vote, that a Board member has violated this policy, in the Council’s sole discretion.

Adopted this the 14<sup>th</sup> day of October, 2025

Attested:

  
Lisa P. Stites, MMC  
Town Clerk



  
S. Elizabeth White, Mayor



## **ACKNOWLEDGEMENT OF RECEIPT**

### **Handbook for Appointed Board and Committee Members of the Town of Oak Island, North Carolina**

On the date written below, I received the "Handbook for Appointed Board and Committee Members of the Town of Oak Island, North Carolina." I acknowledge this handbook contains pertinent information related to serving as an appointed volunteer on a Town Board or Committee.

I understand that I am responsible for reviewing the contents of this policy and asking questions if I do not understand any part of it.

By signing below, I agree to abide by the policy listed above and hereby acknowledge my responsibilities as a Board Member.

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

NAME OF BOARD OR COMMITTEE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

(A signed copy of this form will be maintained in the Town Clerk's office once a Board member is appointed to serve.)



# GUIDELINES FOR COMMUNICATIONS FOR COUNCIL, BOARD, AND COMMITTEE MEMBERS FOR THE TOWN OF OAK ISLAND

(ADOPTED BY TOWN COUNCIL JANUARY 13, 2015)

North Carolina General Statute § 143-318.9. Public policy, provides the following:

WHEREAS, the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly.

The Town of Oak Island abides by this state law and desires to establish the following guidelines for communications between council members as defined herein:

- These guidelines apply to all members of the Town Council and all members of Council and Town committees, Commissions, Sub-committees, Boards, etc. in the Town of Oak Island.
- For purposes of these guidelines, reference to council members includes members of all other Town committees, boards and groups subject to the Open Meeting Law. Reference to the council shall include all such groups and meetings.
- For purposes of these guidelines, "electronic means" means email, instant messaging, chatrooms, social media, microblogs and related electronic conversation.
- For purposes of these guidelines, "Town Clerk" means the Town Clerk, manager, or his / her designee.
- These guidelines apply regardless of whether the Council member is using a Town-provided email address and account, his/her personal email address or account, or one provided by his/her employer; and to all social media accounts to which a Council member posts.



## MEETING MATERIALS:

Electronic communication of meeting materials should generally be conducted in a one-way communication from the Town Clerk to the council.

- Council members may receive agenda materials, background information, and other meeting materials via email attachment or other electronic means (such as file sharing) from the Town Clerk.
- If a Council member has questions or comments about materials received, he/she should inquire via electronic means directly back to the Town Clerk. A Council member should not copy other council members on his/her inquiry. If the clarification is one of value to other Council members, the Town Clerk may send follow-up materials or information to the Council.

Materials relating to agenda items of a meeting must also be made available to the public at the meeting

## COMMUNICATION DURING COUNCIL MEETINGS:

- Council members should not communicate with one another via electronic means during a public meeting.
- Council members should not communicate with any member of Town staff via electronic means during a public meeting.
- Council members should not communicate with the public via electronic means during a public meeting.

## COMMUNICATION OUTSIDE OF COUNCIL MEETINGS:

- Council members should generally act with caution when using electronic means to communicate with one another, being mindful of the Open Meeting Law.
- If a Council member wishes to share information with all other members, he /she should do so through the Town Clerk. The Council member may request the Town Clerk distribute materials to others. The communication should not invite response to or discussion between any Council members, including replies to the person making the distribution request. This should be considered a method for providing one-way information to other members of the Council. Again, remember that materials relating to agenda items for Town business must be provided to the public at the meeting.

- If a Council member wishes to address only one other member through electronic means on any topic related to Town business, he/she can do so directly, but should be mindful of the following:
  - One-to-one communication is ideal.
  - The recipient of an electronic message or inquiry should reply only to the sender, should not copy others on the reply and should not forward the original communication to other Council members.
  - The sender of an electronic message should not forward or copy the recipient's reply to any other Council member.
- If a Council member receives an electronic communication from any source related to Town business which is distributed to multiple Council members (i.e. an email sent to the entire Council from a member of the public; or an email sent to three Council members from a local business), he/she should reply only to the sender. The reply should not be copied to all on the original distribution or forwarded to any other Council member.
- If a Council member receives listserv distributions, electronic newsletters, or participates in electronic discussion forums, chatrooms, or on Facebook, Twitter, blogs or other social media where other Council members are also likely to participate, the Council member should not reply to any distribution or comment so that the reply is copied to the entire distribution group, or any part of the group that might include other Council members. The Council member should instead respond only to the sender of any message or inquiry.

#### **RETENTION OF ELECTRONIC COMMUNICATIONS:**

- Council members should retain electronic communications in keeping with Town policies and procedures, whether such communication takes place on a Town-provided computer, home computer, or other computer system.

# POLICY TO ALLOW REMOTE PARTICIPATION AT MEETINGS FOR CERTAIN ADVISORY BOARDS AND COMMITTEES

(ADOPTED BY TOWN COUNCIL MARCH 14, 2023, AMENDED OCTOBER 14, 2025)

The Town of Oak Island hereby adopts this policy to allow remote participation for members of certain advisory boards and committees. This policy shall apply to advisory boards and committees but shall not apply to the Town Council or the Board of Adjustment.

Remote participation via electronic means is hereby allowed for advisory Boards and Committees with the following conditions:

1. A member may participate remotely if the member is experiencing one of the following:
  - Illness
  - Unexpected out-of-town demands such as work-related demands
  - A childcare issue
  - An unexpected family member illness
  - If weather conditions present a peril or a danger
  - Military service
2. The person participating remotely shall not be needed to make quorum for that meeting; there must be a quorum present in the meeting room. If there is a quorum, the person participating remotely may vote.
3. A Board or Committee member may participate remotely no more than three consecutive meetings or no more than three times per calendar year.
4. If the Planning Board will be hearing a citizen's request and a Board member requests to participate remotely, the Town shall give the applicant the opportunity to move the application to another meeting. If the applicant consents to a Planning Board member participating remotely, it shall be noted on the record that the applicant consented to move forward at that meeting.
5. No more than one Board or Committee member may participate remotely during a meeting.

6. A Board or Committee member participating remotely shall do so with video, and shall be visible on screen for the duration of the meeting.
7. A Board or Committee member who would like to participate remotely should notify the Board or Committee Chairperson no later than 24 hours prior to the meeting. If the Board or Committee Chairperson determines that the request meets one or more of the conditions for remote participation listed in number 1 of this policy, the Chairperson shall notify the staff liaison and the Town Clerk so remote participation can be arranged.
  - For the Planning Board, if circumstances do not allow the Board or Committee member to notify the Chairperson more than 24 hours prior to the meeting (such as illness or an emergency situation), if the agenda includes a citizen-initiated agenda item, remote participation will be accommodated if staff can acquire consent from the applicant prior to the meeting.
8. If a member participates in a meeting remotely, that shall be indicated in the Minutes for the meeting.

# ARTICLE IV. TOWN ORDINANCES

## SEC. 2-91. – APPOINTMENT/QUALIFICATIONS FOR APPOINTMENT:

(a) The town council shall appoint the members of ad-hoc or standing committees and boards from written applications submitted to the town clerk, except in the case of special provisions that may be applicable for individual boards as denoted within this article or its cross-references. The town clerk shall advertise all vacancies one week in the local newspaper.

(b) The town manager or his/her designee shall serve as the staff liaison to each of the town's ad-hoc or standing committees and boards.

(c) Reserved.

(d) All members appointed by the town council shall reside within the corporate limits of the town, unless otherwise denoted within this article or its cross-references.

(e) No applicant will be considered for appointment to a board, commission, committee or authority where he or she has an immediate family member employed by such agency or department.

(f) Reserved.

(Ord. of 1-12-2005; Amend. of 1-10-2006; Amend. of 10-13-2009; Amend. of 5-13-2014(2); Amend. of 12-17-2019(1); Amend. of 12-17-2019(2))

## SEC. 2-92. – REPLACEMENT OF MEMBERS FOR CAUSE; ATTENDANCE REQUIREMENTS:

(a) Appointees may be removed from service for violations of the Town's "Code of Ethics for Appointed Board and Committee Members" (adopted March 14, 2023 and as amended thereafter). In addition, appointees who fail to maintain the trust of Council as outlined in Section 2 of the "Code of Ethics for Appointed Board and Committee Members" (adopted March 14, 2023 and as amended thereafter) may be removed upon a vote of "no confidence" approved by a 4/5ths majority of Town Council.

(b) No member of any ad-hoc or standing committee or board shall continue to serve as a member after becoming a town council member and shall resign at the end of the next committee or board meeting following installation.

(c) Unless otherwise denoted in this article or its cross-references, whenever any appointee shall incur three unexcused absences, said appointee's failure to attend shall be reported by the presiding officer of the respective board, committee, commission, or authority to the Town Council. Such unexcused absences on the part of any appointee may, at the election of the Town Council, be deemed to constitute resignation on the part

of the appointee from such board, committee, commission, or authority. Excused absences are defined as absences caused by events beyond one's control and are subject to approval by the Board on which the appointee is serving.

(d) Ad-hoc or standing committees or boards may, by a majority vote of its members, authorize the absence of a member for sickness or for a personal leave of absence not to exceed three months, upon written application of said member and upon a showing of good cause or special circumstances. An authorized absence shall not count against a member for the purpose of computing attendance requirements pursuant to this section.

#### **SEC. 2-93. – VACANCIES:**

Vacancies occurring in the membership of any standing committee or board during existing terms shall be filled by the town council for the remainder of the term of the member whose seat becomes vacant, except in the case of special provisions that may be applicable for individual boards as denoted within this article or its cross-references.

(Ord. of 1-12-2005)

#### **SEC. 2-94. - MEMBER TERMS:**

Members of all standing committees or boards shall be appointed to three-year staggered terms so that approximately one-third of the membership is appointed annually. However, members may continue to serve until their successors have been appointed. No appointees may serve more than two consecutive terms. This policy may be waived if the Town Council determines that the removal of that individual would be detrimental to the functioning of that board, commission, committee, or authority.

#### **SEC. 2-95. – ESTABLISHMENT OF A QUORUM:**

A majority of the voting membership of the ad-hoc or standing committee or board, excluding vacant seats, shall constitute a quorum. A council or staff liaison shall not count toward the calculation of a quorum and shall not vote.

(Ord. of 1-12-2005)

#### **SEC. 2-96. – MEETINGS:**

All standing committees and boards shall establish a schedule of regular meetings. Standing committees and boards shall not deviate from their established meeting schedule except by a majority vote of the membership due to holidays or special circumstances. Notice of a schedule change must be provided to the town clerk at three

working days prior to the scheduled meeting, to provide for public notice in accordance with the open meetings law.

Any ad-hoc committee may establish a schedule of regular meetings. Otherwise, ad-hoc committees shall establish a proposed schedule of special meetings. Ad-hoc committees shall not deviate from their established meeting schedules except by a majority vote of the membership due to holidays or special circumstances. Notice of a schedule change must be provided to the town clerk at least three working days prior to the scheduled meeting, to provide for public notice in accordance with the open meetings law.

(Ord. of 1-12-2005)

#### **SEC. 2-97. – OFFICERS:**

(a) Election of chairperson/vice-chairperson. Each ad-hoc or standing committee or board shall elect a chairperson and a vice-chairperson from among its voting membership. A council or staff liaison shall not be eligible for any such offices.

(b) Election of secretary.

1. Unless otherwise denoted within this article or its cross-references, each ad-hoc or standing committee or board shall elect a secretary from among its voting membership.
2. The secretary or his/her designee shall notify members of all meetings, keep the minutes of the proceedings and attendance records and shall send a copy of the approved minutes of each meeting to the Town Clerk.

(c) Term of officers. For all standing committees or boards, the term of elected officers shall be for one year. Members may be elected to successive terms of office without limitation.

(Ord. of 1-12-2005)

#### **SEC. 2-98. – COMPENSATION:**

Members of all ad-hoc or standing committees or boards shall serve without compensation. (Ord. of 1-12-2005)

#### **SEC. 2-99. – FISCAL RESTRAINT:**

Ad-hoc or standing committees or boards shall have not authority to enter into any contract or incur any obligation binding upon the town. Funds appropriated by the town council and budgeted to any ad-hoc or standing committee or board shall be disbursed by

the finance director of the town in accordance with the requirements of the Budget and Fiscal Control Act. (Ord. of 1-12-2005)

#### **SEC. 2-100. – REPORTS:**

Unless otherwise required by North Carolina Law, Town Charter or Town Code, ad-hoc or standing committees or boards shall make full and complete written reports to the Town Council at such times as they may be requested to do so.

(Ord. of 1-12-2005)



## ARTICLE 7. LOCAL ABC BOARDS

### SCOPE:

§18B-700(a1). Mission. – The mission of local ABC boards and their employees shall be to serve their localities responsibly by controlling the sale of spirituous liquor and promoting customer-friendly, modern, and efficient stores.

### DUTIES:

§18B-701. Powers and duties of local ABC boards.

(b) Duties. – A local board shall have the duty to comply with all rules adopted by the Commission pursuant to this Chapter and meet all standards for performance and training established by the Commission by the Commission pursuant to G.S. 18B-203(a)(20) and (21). Failure to comply with Commission rules shall be cause for removal. (1937, c. 49, ss. 10, 12; cc. 411, 431; 1939, c. 98; 1957, cc. 1006, 1334; 1963, c. 1119, s. 2; 1967, c. 1178; 1969, cc. 118, 902; 1971, c. 872, s. 1; 1973, cc. 85, 185; c. 1000, ss. 1,2; 1977, c. 618; 1979, c. 467, s. 20; c. 617; 1981, c. 412, s. 2; 2010-122, s. 17; 2011-284, s. 13; 2019-182, s. 25(a); 2021-150, s. 30.2)

### MEMBERSHIP:

§18B-700(a). Membership. – A local ABC board shall consist of three or five members appointed for three-year terms unless the board is a board for a merged ABC system under G.S. 18B-703 and a different size membership has been provided for as part of the negotiated merger. If the board is a three-member board, one member of the initial board of a newly created ABC system shall be appointed for a three-year term, one member for a two-year term, and one member for a one-year term. If the board is a five-member board, one member of the initial board of a newly created ABC system shall be appointed for a three-year term, two members for two-year terms, and two members for one-year terms. As the term of initial board members expire, their successors shall each be appointed for three-year terms. If a board is initially a three-member board and the appointing authority determines a five-member board is preferable, the terms of the two new members shall be for three years. If a local board has five members and the appointing

authority determines a three-member board is preferable, the appointing authority shall not reduce the size of the board except upon the expiration of a member's term and only with the approval of the Commission. The appointing authority shall designate one member of the local board as chairman.

§18B-700(b). City Boards. – City ABC board members shall be appointed by the city governing body, unless a different method of appointment is provided in a local act enacted before the effective date of this Chapter.

§18B-700(c). County Boards. – County ABC board members shall be appointed by the board of county commissioners, unless a different method of appointment is provided in a local act enacted before the effective date of this Chapter.

§18B-700(c1). Limit on Creation of New Boards. – Notwithstanding any provision of law to the contrary, no new local board may be created in any county where a local board operates an ABC store. If a jurisdiction holds an ABC store election under G.S. 18B-602(g), the establishment of ABC stores is approved, and the jurisdiction is located in a county where a local board is already in operation, the jurisdiction that held the election shall enter into an agreement with an existing local board to create a merged local board in accordance with G.S. 18B-703. Nothing in this subsection shall be construed as prohibiting a local board from serving multiple cities, counties, or cities and counties.

§18B-700(d). Qualifications – The appointing authority shall appoint members of a local board on the basis of the appointees' interest in public affairs, good judgment, knowledge, ability, and good moral character.

§18B-700(e). Vacancy – A vacancy on a local board shall be filled by the appointing authority for the remainder of the unexpired term. If the chairman's seat becomes vacant, the appointing authority may designate either the new member or an existing member of the local board to complete the chairman's term.

§18B-700(f). Removal – A member of a local board may be removed for cause at any time by the appointing authority. Local board members are subject to the removal provisions of G.S. 18B-202.

§18B-700(g). Compensation of Board Members – A local board member shall receive compensation in an amount not to exceed one hundred fifty dollars (\$150.00) per board meeting unless a different level of monetary compensation is approved by the appointing authority. If a different level is approved by the appointing authority, the appointing authority shall notify the Commission of the approved level of compensation in writing. Any change in compensation approved by the appointing authority shall be reported to the Commission in writing within 30 days of the effective date of the change. No local board member shall receive any nonmonetary compensation of benefits unless specifically authorized by this section.

§18B-700(g1). **(See Editor's note for applicability)** Compensation of General Managers of Local Boards. – The salary authorized for the general manager, as defined in G.S. 18B-101, of a local board shall not exceed the salary authorized by the General Assembly for the clerk of superior court of the county in which the appointing authority was originally incorporated unless such compensation is otherwise approved by the appointing authority. The local board shall provide the appointing authority's written confirmation of such approval to the Commission. Any change in compensation approved by the appointing authority shall be reported to the Commission in writing within 30 days of the effective date of the change. The general manager of a local board may receive any other benefits to which all employees of the local board are entitled. The salary authorized for other employees of a local board may not exceed that of the general manager.

§18B-700(g2). Travel Allowance and Per Diem Rates. – Approved travel on official business by the members and employees of local boards shall be reimbursed pursuant to G.S. 138-6 unless the local board adopts a travel policy that conforms to the travel policy of the appointing authority and such policy is approved by the appointing authority. The local board shall annually

provide the appointing authority's written confirmation of such approval to the Commission and a copy of the travel policy authorized by the appointing authority. Any excess expenses not covered by the local board's travel policy shall only be paid with the written authorization of the appointing authority's finance officer. A copy of the written authorization for excess expenses shall be submitted to the Commission by the local board within 30 days of approval.

§18B-700(h). Conflict of Interest. – The provisions of G.S. 18B-201 shall apply to the local board members and employees.

§18B-700(i). Bond. – Each local board member and the employees designated as the general manager and finance officer of the local board shall be bonded in an amount not less than fifty thousand dollars (\$50,000) secured by a corporate surety, for the faithful performance of his duties. A public employees' blanket position bond in the required amount satisfies the requirements of this subsection. The bond shall be payable to the local board and shall be approved by the appointing authority for the local board. The appointing authority may increase the amount of the bond required for any member of employee who handles board funds.

§18B-700(j). Limited Liability. – A person serving as a member of a local ABC board shall be immune individually from civil liability for monetary damages, except to the extent covered by insurance, for any act or failure to act arising out of this service, except where the person:

1. Was not acting within the scope of his official duties;
2. Was not acting in good faith;
3. Committed gross negligence or willful or wanton misconduct that resulted in the damage or injury;
4. Derived an improper personal financial benefit from the transaction; or
5. Incurred the liability from the operation of a motor vehicle.

The immunity in this subsection is personal to the members of local ABC boards, and does not immunize the local ABC board for liability for the acts or omissions of the members of the local ABC board.

§18B-700(k). **(See Editor’s note for applicability)** Nepotism. – Members of an immediate family shall not be employed within the local board if such employment will result in one member of the immediate family supervising another member of the immediate family, or if one member of the immediate family will occupy a position which has influence over another member’s employment, promotion, salary administration, or other related management or personnel considerations. This subsection applies to local board members and employees.

For the purpose of this subsection, the term “immediate family” includes wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson, and granddaughter. Also included are the step-, half-, and in-law relationships. It also includes other people living in the same household, who share a relationship comparable to immediate family members, if either occupies a position which requires influence over the other’s employment, promotion, salary administration, or other related management or personnel considerations.

§18B-700(l). Local Acts. – Notwithstanding the provisions of any local act, this section applies to all local boards. (1981, c. 412, s 2; c. 747, s. 50; 1981 (Reg. Sess., 1982), c. 1262, s. 10; 1989, c. 800, s. 19; 2010-122, ss. 9-16; 2019-182, s. 16(b).)

#### **ROLES AND RESPONSIBILITIES:**

§18B-701. Powers and duties of local ABC boards.

(a) Powers. – A local board shall have authority to do all of the following:

1. Buy, sell, transport, and possess alcoholic beverages as necessary for the operation of its ABC stores. In providing delivery of spirituous liquor to a mixed beverages permittee, as required by G.S. 18B-404(f), the local board may use its employees or contract with one or more independent contractors and may charge a fee to the permittee. A mixed beverage permittee may contract with an independent contractor to provide delivery of spirituous liquor from an ABC board’s store or warehouse to the permittee’s premises.

2. Adopt rules for its ABC system, subject to the approval of the Commission.
3. Hire and fire employees for the ABC system.
4. Designate one employee as manager of the ABC system and determine his responsibilities.
5. Require bonds of employees as provided in the rules of the Commission.
6. Operate ABC stores as provided in Article 8.
7. Issue purchase-transportation permits as provided in Article 4.
8. Employ local ABC officers or make other provision for enforcement of ABC laws as provided in Article 5.
9. Borrow money as provided in G.S. 18B-702.
10. Buy and lease real and personal property, and receive property devised or given, as necessary for the operation of the ABC system.
11. Invest surplus funds as provided in G.S. 18B-702.
12. Dispose of property in the same manner as a city council may under Article 23 of Chapter 160A of the General Statutes.
13. Perform any other activity authorized or required by the ABC law.

#### **FINANCIAL OPERATIONS:**

§18B-702. Financial operations of local boards.

- a) Generally. – A local board may transact business as a corporate body, except as limited by this section. A local board shall not be considered a public authority under G.S. 159-7(b)(10)
- b) Budget Officer. – The general manager of the local board shall be the budget officer for the local board. In the absence of a general manager, a local board may impose the duties of budget officer on the chairman or any member of the local board or any other employee of the board.
- c) Annual Balanced Budget. – Each local board shall operate under an annual balanced budget administered in accordance with this section. A budget is balanced when the sum of estimated gross revenues and both restricted and unrestricted funds are equal to appropriations. Expenditures shall not exceed the amount of funds received or in reserve for the purpose to which the funds are appropriated. It is the intent of this section that all monies received and expended by a local

board should be included in the budget. Therefore, notwithstanding any other provision of law, no local board may expend any monies, regardless of their source, except in accordance with a budget adopted under this section. The budget of a local board shall cover a fiscal year beginning July 1 and ending June 30.

- d) Preparation and Submission of Budget and Budget Message. – Upon receipt of the budget requests and revenue estimates and the financial information supplied by the finance officer, the budget officer shall prepare a budget for consideration by the local board in such form and detail as may have been prescribed by the budget officer or the local board. The budget, together with a budget message, shall be submitted to the local board, the appointing authority, and the Commission not later than June 1. The budget and budget message should, but need not, be submitted at a formal meeting of the board. The budget message should contain a concise explanation of the goals fixed by the budget for the budget year, explain important features of the activities anticipated in the budget, set forth the reasons for stated changes from the previous year in appropriation levels, and explain any major changes in fiscal policy.
- e) Filing and Publication of the Budget. – On the same day the budget officer submits the budget to the local board, the budget officer shall make a copy for public inspection, and it shall remain available for public inspection until the budget is adopted. The budget officer shall make a copy of the budget available to all news media in the county. The budget officer shall also publish a statement that the budget has been submitted to the local board and is available for public inspection in the office of the general manager of the local board. The statement shall also give notice of the time and place of the budget hearing required by subsection (f) of this section.
- f) Budget Hearings. – Before adopting the budget, the board shall hold a public hearing at which time any persons who wish to be heard on the budget may appear.
- g) Adoption of Budget. – Not earlier than 10 days after the day the budget is presented to the board and not later than July 1, the local board shall adopt a budget making appropriations for the budget year in such

sums as the board may consider sufficient and proper, whether greater or less than the sums recommended in the budget. The budget shall authorize all financial transactions of the local board. The budget may be in any form that the board considers most efficient in enabling it to make the fiscal policy decisions embodied therein, but it shall make appropriations by department, function, or project and show revenues by major source. The following directions and limitations shall bind the local board in adopting the budget:

1. The full amount estimated by the finance officer to be required for debt service during the budget year shall be appropriated.
2. The full amount of any deficit in each fund shall be appropriated.
3. Working capital funds set aside pursuant to G.S. 18B-805 shall be established by rule of the Commission. "Working capital" means the total of cash, investments, and inventory less all unsecured liabilities. Gross sales means gross receipts from the sale of alcoholic beverages less distributions as defined in G.S. 18B-805(b)(2), (3), (4), and (5). Any expenditure to be charged against working capital funds shall be authorized by resolution of the local board, which resolution shall be deemed an amendment to the budget setting up an appropriation for the object of expenditure authorized. The local board may authorize the budget officer to authorize expenditures from working capital funds subject to such limitations and procedures as it may prescribe. Any such expenditure shall be deemed an amendment and reported to the board at its next regular meeting and recorded in the minutes.
4. Estimated revenues shall include only those revenues reasonably expected to be realized in the budget year.
5. Sufficient funds to meet the amounts to be paid during the fiscal year under continuing contracts previously entered into shall be appropriated unless such contract reserves to the local board the right to limit or not to make such appropriation.
6. The sum of estimated net revenues and appropriated fund balance in each fund shall be equal to appropriations in that fund. Appropriated fund balance in a fund shall not exceed the



sum of cash and investments minus the sum of liabilities, encumbrances, and deferred revenues arising from cash receipts, as those figures stand at the close of the fiscal year next preceding the budget year.

The budget shall be entered in the minutes of the local board and within five days after adoption, and copies thereof shall be filed with the finance officer, the budget officer, the appointing authority, and the Commission.

- h) Amendments to the Budget. – Except as otherwise restricted by law, the local board may amend the budget at any time after adoption, in any manner, so long as the budget, as amended, continues to satisfy the requirements of this section. The local board by appropriate resolution may authorize the budget officer to transfer monies from one appropriation to another within the same fund subject to such limitations and procedures as it may prescribe. Any such transfers shall be reported to the local board at its next regular meeting and shall be entered in the minutes. Amendments to the adopted budget shall also be provided to the appointing authority and the Commission.
- i) Interim Budget. – In case the adoption of the budget is delayed until after July 1, the local board shall make interim appropriations for the purpose of paying salaries, debt service payments, and the usual ordinary expenses of the local board for the interval between the beginning of the budget year and the adoption of the budget. Interim appropriations so made shall be charged to the proper appropriations in the adopted budget.
- j) Finance Officer. – Except as otherwise provided, the local board shall designate (i) a part-time or full-time employee of the board other than the general manager or (ii) the finance officer of the appointing authority with consent of the appointing authority to be the finance officer for the local board. The Commission, for good cause shown, may grant a waiver to allow the general manager of a board also to be the finance officer. Good cause includes, but is not limited to, the fact that the board operates no more than two stores, and any approval for the general manager also to be the finance officer shall apply until the

board operates more than two stores; in any event, the approval shall be effective for 36 months. The Commission may grant one or more waivers to a board.

k) Duties and Powers of the Finance Officer. – The finance officer for a local board shall:

1. Keep the accounts of the local board in accordance with generally accepted principles of governmental accounting and the rules and regulations of the Commission.
2. Disburse all funds of the local board in strict compliance with this Chapter, the budget, preaudit obligations, and disbursements as required by this section.
3. As often as may be requested by the local board or the general manager, prepare and file with the board a statement of the financial condition of the local board.
4. Receive and deposit all monies accruing to the local board, or supervise the receipt and deposit of money by other duly authorized employees.
5. Maintain all records concerning the debt and other obligations of the local board, determine the amount of money that will be required for debt service or the payment of other obligations during each fiscal year, and maintain all funds.
6. Supervise the investment of idle funds of the local board pursuant to subsection (t) of this section.

The finance officer shall perform such other duties as may be assigned by law, by the general manager, budget officer, or local board, or by rules and regulations of the Commission.

(l) Accounting System. – Each local board shall establish and maintain an accounting system designed to show in detail its assets, liabilities, equities, revenues, and expenditures. The system shall also be designed to show appropriations and estimated revenues as established in the budget originally adopted and subsequently amended.

(m) Incurring Obligations. – No obligation may be incurred in a program, function, or activity accounted for in a fund included in the budget unless the budget includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year. No obligation may be incurred for a capital project unless the budget authorizes the obligation and an unencumbered balance remains in the appropriation sufficient to pay the sums obligated by the transaction. If an obligation is evidenced by a contract or agreement requiring the payment of money or by a purchase order for supplies and materials, the contract, agreement, or purchase order shall include on its face a certificate stating that the instrument has been preaudited to assure compliance with this subsection. The certificate, which shall be signed by the finance officer or any deputy finance officer approved for this purpose by the local board, shall take substantially the following form:

"This instrument has been preaudited in the manner required by G.S. 18B-702. \_\_\_\_\_  
(Signature of finance officer)."

An obligation incurred in violation of this subsection is invalid and may not be enforced. The finance officer shall establish procedures to assure compliance with this subsection.

(n) Disbursements. – When a bill, invoice, or other claim against a local board is presented, the finance officer shall either approve or disapprove the necessary disbursement. If the claim involves a program, function, or activity accounted for in a fund included in the budget or a capital project or a grant project authorized by the budget, the finance officer may approve the claim only if:

1. The finance officer determines the amount to be payable; and
2. The budget includes an appropriation authorizing the expenditure and either (i) an encumbrance has been previously created for the

transaction or (ii) an unencumbered balance remains in the appropriation sufficient to pay the amount to be disbursed.

A bill, invoice, or other claim may not be paid unless it has been approved by the finance officer or, under subsection (o) of this section, by the local board. The finance officer shall establish procedures to assure compliance with this subsection.

- o) Local Board Approval of Bills, Invoices, or Claims. – The local board may, as permitted by this subsection, approve a bill, invoice, or other claim against the local board that has been disapproved by the finance officer. It may not approve a claim for which no appropriation appears in the budget, or for which the appropriation contains no encumbrance and the unencumbered balance is less than the amount to be paid. The local board shall approve payment by formal resolution stating the board's reasons for allowing the bill, invoice, or other claim. The resolution shall be entered in the minutes together with the names of those voting in the affirmative. The chairman of the board or some other member designated for this purpose shall sign the certificate on the check or draft given in payment of the bill, invoice, or other claim. If payment results in a violation of law, each member of the board voting to allow payment is jointly and severally liable for the full amount of the check or draft given in payment.
- p) Checks or Drafts Signed by Finance Officer. – Except as otherwise provided by law, all checks or drafts on an official depository shall be signed by the finance officer or a properly designated deputy finance officer. The chairman of the local board or general manager of the local board shall countersign these checks and drafts. The Commission may waive the requirements of this subsection if the board determines that the internal control procedures of the unit or authority will be satisfactory in the absence of dual signatures.
- q) Payment of a Bill, Invoice, Salary, or Claim. – A local board may not pay a bill, invoice, salary, or other claim except by a check or draft on an official depository or by a bank wire transfer from an official depository. Except as provided in this subsection, each check or draft on an official depository shall bear on its face a certificate signed by

the finance officer or a deputy finance officer approved for this purpose by the local board (or signed by the chairman or some other member of the board pursuant to subsection (o) of this section). The certificate shall take substantially the following form:

"This disbursement has been approved in the manner required by G.S. 18B-702. \_\_\_\_\_

(Signature of finance officer)."

No certificate is required on payroll checks or drafts on an imprest account in an official depository if the check or draft depositing the funds in the imprest account carried a signed certificate. No certificate is required for expenditures of fifty dollars (\$50.00) or less from a petty cash fund, provided the expenditure is accounted for by a receipt for the expended item.

- r) **Borrowing Money.** – A local board may borrow money only for the purchase of land, buildings, equipment and stock needed for the operation of its ABC system. A local board may pledge a security interest in any real or personal property it owns other than alcoholic beverages. A city or county whose governing body appoints a local board shall not in any way be held responsible for the debts of that board.
- s) **Audits.** – A local board shall submit to the appointing authority and Commission an annual independent audit of its operations, performed in accordance with generally accepted accounting standards and in compliance with a chart of accounts prescribed by the Commission. The audit report shall contain a summary of the requirements of this Chapter, or of any local act applicable to that local board, concerning the distribution of profits of that board and a description of how those distributions have been made, including the names of recipients of the profits and the activities for which the funds were distributed. A local board shall also submit to any other audits and submit any reports demanded by the appointing authority or the Commission.
- t) **Deposits and Investments.** – A local board may deposit monies at interest in any bank or trust company in this State in the form of savings accounts or certificates of deposit. Investment deposits shall be secured as provided in G.S. 159-31(b) and the reports required by

G.S. 159-33 shall be submitted. A local board may invest all or part of the cash balance of any fund as provided in G.S. 159-30(c) and (d), and may deposit any portion of those funds for investment with the State Treasurer in the same manner as State boards and commissions under G.S. 147-69.3.

- u) Compliance with Commission Rules. – The Commission shall adopt, and each local board shall comply with, fiscal control rules concerning the borrowing of money, maintenance of working capital, investments, appointment of a budget officer, appointment of a financial officer, daily deposit of funds, bonding of employees, auditing of operations, and the schedule, manner and other procedures for distribution of profits. The Commission may also adopt any other rules concerning the financial operations of local boards which are needed to assure the proper accountability of public funds. The Commission may vary these rules and regulations according to any other criteria reasonably related to the purpose or complexity of the financial operations involved. The Commission has the authority to inquire into and investigate the internal control procedures of a local board and may require any modifications in internal control procedures which, in the opinion of the Commission, are necessary or desirable to prevent embezzlements or mishandling of public monies.
- v) Penalties. – If a board member or employee of a local board incurs an obligation or pays out or causes to be paid out any funds in violation of this section, the member or employee and the sureties on the official bond are liable for any sums so committed or disbursed. If the finance officer or any properly designated deputy finance officer gives a false certificate to any contract, agreement, purchase order, check, draft, or other document, the finance officer and the sureties on the official bond are liable for any sums illegally committed or disbursed thereby.
- w) Applicability of Criminal Statutes. – The provisions of G.S. 14-90 and G.S. 14-254 shall apply to any person appointed to or employed by a local board, and any person convicted of a violation of G.S. 14-90 or G.S. 14-254 shall be punished as a Class H felon.
- x) Local Acts. – Notwithstanding the provisions of any local act, this section applies to all local boards. (1937, c. 49, ss. 10, 12; cc. 411,

431; 1939, c. 98; 1957, cc. 1006, 1335; 1963, c. 1119, s. 2; 1967, c. 1178; 1969, cc. 118, 902; 1971, c. 872, s. 1; 1973, cc. 85, 185; c. 1000, ss. 1, 2; 1977, c. 618; 1979, c. 467, s. 20; c. 617; 1981, c. 412, s. 2; 1981 (Reg. Sess., 1982), c. 1262, s. 11; 1991, c. 459, s. 2; 2010-122, s. 18; 2012-4, s. 2.)

## **MERGER OF OPERATIONS:**

§18B-703. Merger of local ABC operations.

- a) Conditions for Merger. – Any city governing body or board of county commissioners may merge its ABC system with the system of one or more other cities or counties if:
  - 1. Stores operated by the systems of those jurisdictions serve the same general area or are in close proximity to each other; and
  - 2. The merger is approved by the Commission.
- b) Appointment of Board. – Upon merger of ABC systems, the local boards for those systems shall be replaced by one board appointed jointly by the appointing authorities for the previous boards.
- c) Distribution of Profits. – Before merger, the cities or counties involved shall agree upon a formula for distribution of the profits of the new merged ABC system, based as closely as practicable on the distribution previously authorized for the separate systems. This formula for distribution shall be subject to approval by the Commission.
- d) Enforcement. – Local officers hired by the local ABC board for the merged ABC system shall have the same territorial jurisdiction that officers for each of the merged boards would have.
- e) Dissolution. – Except as otherwise provided in this subsection, with the approval of the Commission, the cities or counties that have merged their ABC systems may dissolve the merged operation at any time and resume their prior separate operations. A city or county that has merged with another local board pursuant to the requirements of G.S. 18B-700(c1) may only dissolve a merged operation if one of the following applies:
  - 1. The city or county is merging with a different local board.

2. The city or county is ceasing operation of all ABC stores within the city or county.
- f) Other Details Negotiated. – Issues not addressed in this section concerning the merger or dissolution of ABC systems, such as the method of appointment of the merged board, the size of the merged board, or the procedure for dissolution, may be negotiated by the affected cities and counties, subject to the approval of the Commission.
  - g) Operation Follows General Law. – Except as otherwise provided in this section, the authority and operation of any local board established under this section shall be the same as for any other local board.
  - h) Agreement for Joint Store Operations. – With the approval of the Commission, two or more governing bodies of counties and/or municipalities with ABC systems may enter into a written agreement whereby one or more ABC stores located within the counties and/or municipalities that are parties to the agreement shall be controlled and operated by the local ABC board specified in the agreement, even though said ABC store or stores are located outside the boundaries of the county or municipality of the local ABC board that will be operating the ABC store or stores that are subject to the agreement. The provisions of this section shall be effective as to such agreements insofar as is applicable. Issues not addressed in this section shall be negotiated by the parties, subject to the approval of the Commission. (1981, c. 412, s. 2; c. 747, s. 51; 2001-128, s. 1; 2019-182, s. 16(c).)

#### **REMOVAL OF MEMBERS AND EMPLOYEES:**

§18B-704. Removal of local board members and employees.

- a) Improper Influence. – Neither the Commission nor its individual members shall attempt to coerce any appointing authority to appoint a particular person as a member of a local board or attempt to coerce a local board to employ any particular applicant.
- b) Purpose. – This section is intended to provide a uniform system of removal for appointing authorities and the Commission.
- c) Cause for Removal. – (i) Disqualification of a local board member or employee under the law, (ii) a violation of the ABC laws, (iii) failure to



- complete training required by this Chapter or the Commission, or (iv) engaging in any conduct constituting moral turpitude or which brings the local board or the ABC system into disrepute is cause for the Commission to remove any member or employee of a local board. The employment or retention of any employee who is known to be disqualified under the law to hold a position with a local board is cause for the Commission to remove the board members involved.
- d) Removal Process. – The Commission or appointing authority shall provide, in writing, to the local board member or employee the findings of fact upon which the decision for removal is based. The Commission or appointing authority shall also provide the local board member or employee with notice of the availability of a hearing before the Commission to review the removal.
- e) Removal Hearing. – Any local board member or employee removed from office or discharged by the Commission or the appointing authority may request a hearing before the Commission. Such a request operates to stay the action of the Commission or the appointing authority with regard to the matter until after the hearing, unless the Commission finds that the public interest requires immediate action. At the hearing, the employee or the employee's counsel may examine all evidence used against the employee and present evidence in the employee's own behalf. A removal hearing is not subject to the provisions of Chapter 150B of the General Statutes. All hearings shall be conducted informally and in such manner as to preserve the substantial rights of the parties.
- f) Hearing Procedure. – The Commission shall hold the hearing required by subsection (e) of this section within 15 days of the member's or employee's request for a hearing. The standard of review by the Commission is de novo. The Commission or appointing authority shall be represented by a Commission hearing officer. The Commission shall discharge the member or employee if two-thirds of the Commission's members vote for removal. The Commission shall make findings of fact. The Commission may adopt the findings of fact of the Commission or the appointing authority, may add new findings of fact to the original findings of fact, or may substitute new findings of fact for

the original findings of fact. The Commission shall make conclusions of law and shall issue a written decision to the member or employee of the local board, and to the appointing authority, within 15 days of the hearing.

- g) Commission Authority. – The Commission shall have the sole power, in its discretion, to determine if cause exists for removal of a local board member or employee who has requested a hearing before the Commission. The Commission's decision in a removal hearing is final.
- h) Appeal. – A local board member or employee may appeal the Commission's final decision to the Court of Appeals. The standard of review for an appeal shall be abuse of discretion. The sole remedy for a local board member or employee shall be the reinstatement of the board member or employee to the local board with back pay. All awards for back pay shall be paid by the local board from which the board member or employee was removed.
- i) Removal Hearing Not a Substitute for Termination of Employee. – Nothing in this section replaces or is intended to replace a local board's policy regarding the termination of an employee for personnel reasons. The removal process under this section is reserved solely for the appointing authority or the Commission to remove a board member or employee for cause.
- j) Local Acts. – Notwithstanding the provisions of any local act, this section applies to all local boards. (2010-122, s. 19.)

#### **PERFORMANCE STANDARDS & COMPLIANCE:**

§18B-705. Compliance with performance standards; remedies.

- a) Local Board Compliance. – The Commission shall establish performance standards pursuant to G.S. 18B-203(a)(20). The Commission shall ensure that all local boards comply with established performance standards by conducting regular or special audits, conducting performance evaluations, or taking other measures, which may include inspections by Commission auditors or alcohol law enforcement agents.
- b) Performance Improvement Plans. – The Commission, upon determining that a local board is failing to meet performance

standards established pursuant to G.S. 18B-203(a)(20), shall meet with the chair of the local board and the appointing authority and issue a statement of findings. The appointing authority, in consultation with the Commission and the local board, shall develop and deliver a performance improvement plan to the local board within 60 days of the meeting with the Commission. The performance improvement plan shall include, but not be limited to, recommendations for improved performance based on the performance standards established by the Commission. The plan shall also state a period of time in which the performance improvements are to occur and what action will be taken by the Commission if performance standards are not met within the given time limits. The appointing authority shall allow up to, but no more than, 12 months' time to the local board to implement and show improvement under the performance improvement plan. The local appointing authority, in consultation with the Commission and upon good cause shown, may allow up to an additional six-month period of time for the local board to meet all requirements in the performance improvement plan and to establish that the performance standards established by the Commission are met.

- c) Remedies. – If the Commission determines that the established performance standards identified in the statement of findings cannot be met after a performance improvement plan has been implemented and adequate time has been given, but in no case less than 12 months, the Commission shall take appropriate action to avoid insolvency. This action may include closing the board pursuant to G.S. 18B-801(d), closing a store or multiple stores, or merging the local board with another local board in order to maintain solvency. The Commission may also seize the assets of the local board and liquidate any assets necessary to satisfy any debt in order to maintain the solvency of the local board. Prior to taking action pursuant to this subsection, the Commission shall issue a notice of intent to take such action to the appointing authority and the local board.
- d) Local Acts. – Notwithstanding the provisions of any local act, this section applies to all local boards. (2010-122, s. 20.)

## **ETHICS:**

### **§18B-706. Ethics requirements for local boards.**

- a) Each local board shall adopt a policy containing a code of ethics, consistent with the provisions of G.S. 18B-201, to guide actions by the local board members and employees of the local board in the performance of their official duties. The policy shall address at least all of the following:
  - 1. The need to obey all applicable laws regarding official actions taken as a local board member or employee.
  - 2. The need to uphold the integrity and independence of the local board member or employee's position.
  - 3. The need to avoid impropriety in the exercise of official duties.
  - 4. The need to faithfully perform the duties of the position.
  - 5. The need to conduct the affairs of the board in an open and public manner, including complying with all applicable laws governing open meetings and public records.
- b) Each member of a local board shall receive a minimum of two hours of ethics education within 12 months after initial appointment to the office and again within 12 months after each subsequent appointment to the office. The ethics education shall cover laws and principles that govern conflicts of interest and ethical standards of conduct for local ABC boards. The education may be provided by the Commission or another qualified source approved by the Commission. The local board shall maintain a record verifying receipt of the ethics education by each member of the local board. The local board may require appropriate ethics training and education for employees of the local ABC board.
- c) The Commission shall develop a model ethics policy that local ABC boards may adopt to be in compliance with this section. (2010-122, s. 21.)

**§§ 18B-707 through 18B-799. Reserved for future codification purposes.**

## SECTION 3.4 – BOARD OF ADJUSTMENT:

(ARTICLE 3. ADMINISTRATIVE/LEGISLATIVE/QUASI-JUDICIAL AUTHORITY)

### SCOPE:

3.4.1.1. The Board of Adjustment shall hear and decide:

3.4.1.1.1. Appeals of decisions of administrative officials charged with enforcement of this Ordinance (as provided in Section 4.10.1) and requests for variances (as provided in Section 4.10.2). As used in this subsection, the term “decision” includes any final and binding order, requirement, or determination. The board shall hear and decide all matters upon which it is required to pass under statute or ordinance that regulates land use and development.

### DUTIES:

3.4.1.1. The Board of Adjustment shall hear and decide:

3.4.1.1.2. Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines.

3.4.1.1.3. Any other matter the Board is required to act upon by any other Town ordinance.

3.4.1.2. The Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Article.

### MEMBERSHIP:

3.4.2.1. The Zoning Board of Adjustment shall be governed by the terms of the General Statutes of North Carolina (G.S. 160D-1-9(d), G.S. 160D-403(b), G.S. 160D-405, G.S. 160D-406, G.S. 160D-702, G.S. 160D-705, and G.S. 160D-1405).

3.4.2.2. Membership and Vacancies. The Board of Adjustment shall consist of five (5) members who shall be residents of the area within the municipal limits and shall be appointed by the Town Council for overlapping terms of three years. The Town Council, at its discretion, may appoint not more than three

alternate members to serve on the Board of Adjustment in the absence or temporary disqualification, for any cause, of any regular member or to fill a vacancy pending appointment of a member. Such alternate members, while attending any regular or special meeting of the Board and serving on behalf of any regular member, shall have and exercise all the powers and duties of such regular members so absent. Vacancies which occur other than the expiration of term shall be filled by the Town Council for the remaining period of the term vacated. All members appointed to boards shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160D-309. Oak Island shall provide a means of proportional representation based on population for residents of the extraterritorial area pursuant to G.S. 160D-307.

#### **ORGANIZATION:**

##### **3.4.2.5. Board of Adjustment Officers and Duties.**

3.4.2.5.1. Chair. The Chair shall be elected by majority vote of the membership of the Board from among its members. His term of office shall be for one year, and until his successor is elected, beginning on July 1, and the Chair shall be eligible for re-election. Subject to these rules, the Chair shall decide upon all points of order and procedure, unless directed otherwise by a majority of the Board in session at the time. The Chair shall appoint any committees found necessary to investigate any matter before the Board with the approval of Town Council.

3.4.2.5.2. Vice-Chair. A Vice-Chair shall be elected by the Board from among its members in the same manner and for the same term as the Chair. He shall serve as acting Chair in the absence of the Chair, and at such times he shall have the same powers and duties as the Chair.

3.4.2.5.3. Secretary. The Town Clerk or their designee shall serve as Secretary.

#### **MEETINGS:**

##### **3.4.2.3. Meetings of the Board of Adjustment.**

3.4.2.3.1. Regular Meetings. Meetings of the board of adjustment shall be held at the call of the Chair and at such other times as the board of adjustment may determine. All meetings of the board shall be held at a regular place and shall keep minutes of its proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or, if absent and failing to vote, an indication of such fact; and final disposition of each matter to come before them. The chair of the board or the clerk to the board may administer oaths to witnesses.

3.4.2.3.2. Special Meetings. Special meetings of the Board may be called at any time by the Chair, or in his absence, the Vice-Chair. At least 48-hours written notice of the time and place of special meetings shall be given by the Secretary or the Chair to each member of the Board.

3.4.2.3.3. The Board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Section 4.11.

3.4.2.3.4. Conflicts on Quasi-Judicial Matters. A member of the Board of Adjustment or any other body exercising the functions of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process 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. If an objection is raised to member's participation and that member does not recuse himself or herself, the remaining members shall, by majority vote, rule on the objection. No Board of Adjustment member shall accept any gift, favor, or thing of value that may tend to influence that board member in the discharge of duties. No Board of Adjustment member shall grant any improper favor, service, or thing of value in the discharge of duties.

3.4.2.3.5. All meetings of the Board shall be open to the public and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

#### **QUORUM & VOTING:**

##### **3.4.2.4. Quorum and Voting**

3.4.2.4.1. The concurring vote equal to four-fifths of the members of the board present at a meeting and not excused from voting (a quorum being present), shall be necessary to grant any variance. All other actions of the board shall be taken by majority vote of those present and not excused from voting, a quorum being present. A quorum shall consist of the number of members equal to four-fifths of the regular board membership (excluding vacant seats).

3.4.2.4.2. 3.4.2.4.2. Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection 3.4.2.3.4 or 3.4.2.4.3 or has been allowed to withdraw from the meeting in accordance with Subsection 3.4.2.4.4.

3.4.2.4.3. A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

3.4.2.4.3.1. If the matter at issue involves the member's own official conduct; or

3.4.2.4.3.2. If the participation in the matter might violate the letter or spirit of the member's code of professional responsibility.

3.4.2.4.4. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting.

3.4.2.4.5. A roll call vote shall be taken upon the request of any member.

#### **RULES OF PROCEDURE:**

##### **3.4.3. Rules of Procedure**

All meetings held by the Board of Adjustment shall be held in accordance with G.S. ch. 143A, art. 33C, or as may be amended, and should be recorded. The Board shall keep accurate minutes of its proceedings suitable for review in Court showing:

3.4.3.1. The record of all procedural requirements of the meeting including number and names of all Board members present, names of witnesses heard, whether parties were represented by council, whether subpoenas were issued and to who, whether cross-examination of witnesses was requested and allowed, and any other event at the hearing that had any effect on the outcome.

3.4.3.2. The factual evidence presented to the Board of Adjustment by all parties concerned.

3.4.3.3. The findings of fact and the reasons for the determinations by the Board of Adjustment.

3.4.3.4. The vote of each member, or if absent or failing to vote, indicating such fact, all of which shall be public record and be filed with the office of the Town Clerk.

3.4.3.5. The Board may issue subpoenas. If there is noncompliance with the subpoena, the Board may apply to the courts for an order to comply.



# OAK ISLAND BUSINESS ADVISORY BOARD

(ADOPTED BY TOWN COUNCIL JULY 11, 2023; AMENDED SEPTEMBER 7, 2023)

**SCOPE:** The Oak Island Town Council has appointed a citizen advisory committee whose duty is to serve in an advisory capacity to the Town Council concerning the businesses in Oak Island.

**DUTIES:** The Business Advisory Board (BAB) shall:

- Serve as an advisory board for the Town to further promote business interests in the Town, to provide a coordination medium between businesses in the Town, and to provide a communications path between the business community and the Town government and administration
- Suggest policies and make recommendations concerning business programs and requirements to the Town Manager and Town Council
- Serve as a link between the business community, the Town Manager, the Town Council, and the citizens of the community on matters related to business.

**MEMBERSHIP:** The BAB will be comprised of ten (10) members, plus one (1) non-voting representative of the Town, and one (1) non-voting representative from the Southport-Oak Island Chamber of Commerce. Each member, except for the members of the general population at large, shall be an active owner of a business or selected representative of a business residing and actively conducting business within the boundaries of the Town. The members themselves do not necessarily need to be residents of the Town if their business is within the Town.

The members will be selected from the following segments:

- (8) Eight Business Owners or Commercial Property Owners
  - No more than (3) three members shall represent real estate sales or rentals
- (2) Two full-time residents who are not current business owners but may have related experience
- (1) One non-voting representative of the Town administration, who shall be the Economic Development Officer
- (1) One non-voting representative of the Southport-Oak Island Chamber of Commerce to be appointed by the Chamber Board of Directors

**ROLES AND RESPONSIBILITIES:** The Business Advisory Board (BAB) will provide recommendations and advice to the Town Council on ways to the Town can help business in Oak Island, provide a forum for businesses to raise issues, create a business-friendly environment, and have input into Town policy and responses to these issues.

The BAB will provide input and recommendations on the Town's Economic Development Strategy, with a particular emphasis on small business development, realization of commercial areas, business recruitment, retention, and expansion efforts, public/private partnerships, and business customer service.

The BAB will keep the Town Council, the Town Manager, and Economic Development Officer abreast of conditions in the business community and how these conditions might affect business-government relations and needs for public services.

**ORGANIZATION:** There shall be a Chairperson, Vice-Chairperson, and Secretary of the Business Advisory Board. The Chairperson shall serve for one year from the election with eligibility for reelection. If the Chairperson's appointment to the Board is terminated, a replacement to his or her office shall be elected by such Board, from its membership at the meeting following the termination. The Vice-Chairperson shall serve for one year from election with eligibility for reelection. If the Vice-Chairperson's appointment to such Board is terminated, a replacement to his or her office shall be elected by such Board, from its membership at the meeting following the termination. A Secretary shall be appointed by the members of the commission, or a volunteer non-member may be utilized.

**MEETINGS:** The Business Advisory Board shall meet as needed at Town Hall. Regular meetings shall be held monthly. The Board shall comply with the provisions of the North Carolina Open Meetings Law, G.S. 143-318.9 et seq.

**QUORUM:** A quorum shall be in attendance before action of an official nature can be taken. A quorum shall be five members.

**VOTING:** Decisions are reached by a simple majority vote unless otherwise required by law. All voting will be conducted in open meetings, except when in closed session as defined in the Open Meetings Law. No issues can be voted upon unless a quorum is present.

- a. Only appointed members can vote at Business Advisory Board meetings.  
Appointed members shall not delegate their vote to another member.
- b. The Chair of the Business Advisory Board may participate and vote on all issues.

- c. Voting by proxy is not allowed.
- d. Individuals appointed as ex officio members of the Business Advisory Board are not allowed to vote.

**AUTHORIZED SPOKESPERSONS:** The Business Advisory Board Chair, staff liaison and director report to the Town Manager and Town Council. The Town Manager and Chief Communications Officer are authorized spokespersons for the advisory committee.

# ENVIRONMENTAL ADVISORY COMMITTEE

(CHARGE REVISED BY COUNCIL ACTION JULY 2017)

**SCOPE:** The Oak Island Town Council has appointed a citizen advisory committee whose duty is to serve in an advisory capacity to the Town Council concerning the preservation and restoration of the Island's unique and fragile coastal environments.

**DUTIES:** Work with Town staff on application and adherence to policies and activities which support responsible environmental stewardship. The Environmental Advisory Committee works to support and promote practices that protect, enhance, maintain, and preserve Oak Island's unique natural resources and its environmental fragile ecosystems through initiatives including, but not limited to, Recycling, Tree City USA, Smart Yard, Skip the Plastic Straws, and Living Shorelines.

**MEMBERSHIP:** The committee will consist of up to 9 members to be appointed by Town Council to serve three-year terms. No appointee may serve more than two consecutive terms. This policy may be waived if the Town Council determines that the removal of that individual would be detrimental to the functioning of that Committee. The members shall be residents of Oak Island. An appointed member of the Environmental Advisory Committee who misses three or more consecutive unexcused meetings is considered as having resigned from the Committee. Absences due to sickness, death, or emergencies of a like nature shall be regarded as approved absences and shall not affect membership, except that in the event of a long illness or other such cause for prolonged absence, the member may be replaced.

**ROLES AND RESPONSIBILITIES:** The Environmental Advisory Committee (EAC) focuses on the education of Town residents. This includes organization of Town events, such as Earth Day, and environmentally associated presentations. In addition, the EAC champions initiatives like household waste recycling, marsh and street litter pick-ups, and "Smart Yards" construction. The EAC continues to work in partnership with the Town to meet Tree City USA requirements and responsible Stormwater permitting.

**ORGANIZATION:** There shall be a Chairperson, Vice-Chairperson, and Secretary of the Environmental Advisory Committee. Election of officers shall take place at the first official meeting of the Committee.

**MEETINGS:** The EAC meets regularly on the first Thursday of each month at 8:30 AM in the Ocean Education Center, located at 4700 East Oak Island Drive, unless otherwise publicly posted. The Committee shall comply with provision of the North Carolina Open Meetings Law, G.S. 143-318.9 et seq.

**QUORUM:** A quorum shall be in attendance before action of an official nature can be taken. A quorum is one more than half the number of members excluding unfilled vacancies.

**VOTING:** Decisions are reached by a simple majority vote unless otherwise required by law. All voting will be conducted in open meetings, except when in closed session as defined in the Open Meetings Law. No issues can be voted upon unless a quorum is present.

- a. Only appointed members can vote at Environmental Advisory Committee meetings. Appointed members shall not delegate their vote to another member.
- b. The Chair of the Environmental Advisory Committee may participate and vote on all issues.
- c. Voting by proxy is not allowed.
- d. Individuals appointed as ex officio members of the Environmental Advisory Committee are not allowed to vote.

**AUTHORIZED SPOKESPERSONS:** The Environmental Advisory Committee Chair, staff liaison and director report to the Town Manager and Town Council. The Town Manager and Chief Communications Officer are authorized spokespersons for the advisory committee.

# PARKS & RECREATION ADVISORY BOARD

**SCOPE:** The Oak Island Town Council has appointed a citizen advisory committee whose duty is to serve in an advisory capacity to the Town Council concerning the Parks and Recreation facilities.

**DUTIES:** The Oak Island Parks and Recreation Advisory Board acts as a vital liaison between the community and the Town government. Its mission is to foster a robust, comprehensive leisure services system that continuously promotes the well-being and enjoyment of residents and visitors.

**MEMBERSHIP:** The Board consists of seven adult members and one youth member (age 16-18, appointed with parental consent) appointed by Town Council to serve staggered three-year terms. No appointee may serve more than two consecutive terms. This policy may be waived if the Town Council determines that the removal of that individual would be detrimental to the functioning of that Committee. The members shall be residents of Oak Island. Candidates must demonstrate a commitment to leisure services, with preference for experience in committee work, program planning, or organizational management. Leisure systems experience and fundraising expertise is highly valued. An appointed member of the Parks and Recreation Advisory Board who misses three or more consecutive unexcused meetings is considered as having resigned from the Committee. Absences due to sickness, death, or emergencies of a like nature shall be regarded as approved absences and shall not affect membership, except that in the event of a long illness or other such cause for prolonged absence, the member may be replaced.

## **ROLES AND RESPONSIBILITIES:**

- a. Investigate, define, and champion initiatives to establish a comprehensive and effective leisure services system.
- b. Advise the Director of Parks and Recreation, Town Manager, and Town Council on strategies to enhance leisure services.
- c. Act as a link between the community and Town government to address parks and recreation needs.
- d. Recommend policies, programs, future parks, trails, facilities, property acquisition, and funding strategies necessary to support an effective leisure services system.
- e. Interact with a regional recreation task force representing Southport, Caswell Beach, and Brunswick County Parks and Recreation leaders to understand future facility development, existing and developing programs, and other regional

recreation considerations to limit redundancy in general offerings and to identify niche opportunities for Oak Island residents and visitors.

- f. Annually review and update the five-year Parks and Recreation Master Plan, presenting updates to the Town Council.
- g. Provide biannual reports to the Town Council on Board activities and progress. Provide additional reports as needed.

**ORGANIZATION:** There shall be a Chairperson, Vice-Chairperson, and Secretary of the Parks and Recreation Advisory Board. Election of officers shall take place at the regular monthly meeting in July. Officers shall assume their duties immediately following the election and serve a one-year term, with eligibility for reelection. The Director of Parks and Recreation serves as the Board's primary staff contact.

**MEETINGS:** The Board meets monthly on the first Monday at 4:00 p.m. at the Community Center, located at 4701 E. Oak Island Drive, unless otherwise publicly posted. The Committee shall comply with provision of the North Carolina Open Meetings Law, G.S. 143-318.9 et seq.

**QUORUM:** A quorum shall be in attendance before action of an official nature can be taken. A quorum is one more than half the number of adult members excluding unfilled vacancies.

**VOTING:** Decisions are reached by a simple majority vote unless otherwise required by law. All voting will be conducted in open meetings, except when in closed session as defined in the Open Meetings Law. No issues can be voted upon unless a quorum is present.

- a. Only appointed members can vote at Parks and Recreation Advisory Board meetings. Appointed members shall not delegate their vote to another member.
- b. The Chair of the Parks and Recreation Advisory Board may participate and vote on all issues.
- c. Voting by proxy is not allowed.
- d. Individuals appointed as ex officio members of the Parks and Recreation Advisory Board are not allowed to vote.

**AUTHORIZED SPOKESPERSONS:** The Parks and Recreation Advisory Board Chair, staff liaison and director report to the Town Manager and Town Council. The Town Manager and Chief Communications Officer are authorized spokespersons for the advisory committee.

# PLANNING BOARD

**SCOPE:** A Planning Board for the Town is hereby created under the authority of G.S. 160D-301 to serve the public interest by promoting the public health, safety and general welfare of the residents of the Town of Oak Island and its extraterritorial jurisdiction. It is the intent of the Town to have representation of a Borad cross-section of community interests.

**DUTIES:** The Planning Board shall have the following duties:

1. Review all proposed text amendments to the land use development ordinance and make recommendations to the Town Council.
2. Review all requests for amendments to the Zoning map and make recommendation to the Town Council.
3. Review all preliminary plats for major subdivisions and make recommendations to the Town Council.
4. Review all major sit plans and make recommendations to Town Council.
5. Provide a written statement of consistency with the Comprehensive Land Use Plan with any recommendations for text amendments or Zoning map amendments per G.S. 160D-301, 160D-501, 160D-604.

**MEMBERSHIP:** There shall be a Planning Board consisting of seven members. Six members, appointed by the Town Council, shall reside within the Town. One member, appointed by the County Board of Commissioners, shall reside within the Town's extraterritorial Planning area. If, despite good faith efforts, a resident of the extraterritorial planning area cannot be found to fill the seat reserved for residents of such area, then the County Board of Commissioners may appoint another resident of the County (including a resident of the Town) to fill the seat. If the County Board fails to make this appointment within 90 days after receiving a resolution from the Town Council requesting that it be made, the Town Council shall make it.

Planning Board members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. Effective September 1, 2005, two in-town residents and one extraterritorial area resident shall be appointed for terms of three years, two in-town residents shall be appointed for initial terms of two years, and two in-town residents shall be appointed for initial terms of one year. These terms will be fulfilled every three years, respectively, thereafter. Vacancies of member seats occurring for reasons other than expirations of terms shall be filled as they occur for the period of the unexpired term by appointment of the Town Council.



Members shall not be appointed to more than two consecutive full terms, nor serve for more than six consecutive years.

**ROLES AND RESPONSIBILITIES:** A member shall request to be excused from discussion of or voting on any matter where the outcome of the matter being considered is reasonable likely to have a direct, substantial, and readily identifiable financial impact on the member.

A member shall represent him or herself as a board member and not undermine board recommendations at any other public meetings that address planning issues.

Members shall be available to participate in UNC School of Government training specific to Planning Board matters and considerations.

**ORGANIZATION:** The Planning Board shall elect a Chair and Vice-Chair from among the appointed members. The Town Manager shall designate administrative personnel to serve as Secretary to the Board. The Planning Director and Town Attorney, as requested by the Planning Director, shall sit as staff to the Planning Board and shall provide professional Planning assistance and legal guidance to the Board in the implementation of section 2-115. All members shall be entitled to vote. Terms of elected officers shall be for one year. The Planning Board shall adopt rules for its governance and for the transaction of its business, and the Secretary shall keep a record of attendance, resolutions, transactions, findings, and recommendations. Such records shall record how each member votes on each question requiring a vote. The records of the Planning Board shall be public, and a copy of all minutes shall be placed in the Town Hall.

**MEETINGS:** The Planning Board shall hold at least one meeting monthly, on the second Thursday of the month at 9 AM in Council Chambers. All of its meetings shall be open to the public.

**QUORUM:** There shall be a quorum of four members for the purpose of taking any official action required by this article.

**VOTING:** All members shall be entitled to vote. Decisions are reached by a simple majority vote unless otherwise required by law. All voting will be conducted in open meetings, except when in closed session as defined in the Open Meetings Law. No issues can be voted upon unless a quorum is present.

**AUTHORIZED SPOKESPERSONS:** The Planning Board Chair, staff liaison and director report to the Town Manager and Town Council. The Town Manager and Chief Communications Officer are authorized spokespersons for the advisory committee.

# AND FROM THE UDO

## 3.3.3.2. ORGANIZATION, RULES, MEETINGS, AND RECORDS:

At the date and time of the regular meeting in August of each year, the Planning Board shall elect a Chair and Vice-Chair from its membership. The term of the Chair and Vice-Chair shall be one (1) year, with eligibility for re-election. The Town Clerk shall serve as Secretary to the Planning Board. A copy of any adopted rules of procedure shall be maintained by the town and posted on the town's web site. Each board shall keep minutes of its proceedings pursuant to G.S. 160D-308. The Board shall adopt rules for transaction of its business subject to review and approval by the Town Council and shall keep a record of its member attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record. Except as otherwise stated in Section 3.3.3.4.1 below, the Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public.

## 3.3.3.3. OFFICES AND DUTES:

3.3.3.3.1. Chair. A Chair shall be elected by the voting members of the Planning Board. The Town Manager and the Town Council representative shall be ineligible for this office. The Chair shall decide all matters of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chair shall appoint any committees found necessary to investigate any matters before the Board with the approval of Town Council.

3.3.3.3.2. Vice-Chair. A Vice-Chair shall serve as acting Chair in the absence of the Chair, and at such times he shall have the same powers and duties as the Chair.

## 3.3.3.4. MEETINGS:

3.3.3.4.4. Quorum. A quorum shall consist of four members of the Board for the purpose of taking any official actions authorized by this ordinance.

3.3.3.4.5. Conduct of Meetings. All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

3.3.3.4.5.1. Roll call

3.3.3.4.5.2. Consideration of minutes of previous meeting

3.3.3.4.5.3. Public Comment

3.3.3.4.5.4. Unfinished business

3.3.3.4.5.5. New business

3.3.3.4.5.6. Board Member Reports

3.3.3.4.6. Vote. Except as otherwise specified herein, the vote of a majority of those members present shall be sufficient to decide matters before the Board, provided a quorum is present.

#### **3.3.3.5. GENERAL POWERS AND DUTIES:**

See Code of Ordinances Chapter 2, Section 2-115, Duties.

#### **3.3.3.6. PLANNING BOARD INITIATED UDO ADMENDMENTS:**

The Planning Board may initiate from time to time proposals for amendments of the UDO and Zoning Map, based upon its studies and plans. It shall review and make recommendations to the Town Council concerning all proposed amendments to the UDO and Zoning Map.

#### **3.3.3.7. ADVISORY COMMITTEES:**

3.3.3.7.1. From time to time, Town Council may appoint one or more individuals to assist the Planning Board to carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Council may appoint advisory committees to consider thoroughfare plan(s), bikeway plan(s), housing plans, and economic development plans, etc.

3.3.3.7.2. Members of such advisory committees shall sit as nonvoting members of the Planning Board when such issues are being considered and lend their talents, energies, and expertise to the Planning Board. However, all formal recommendations to the Town Council shall be made by the Planning Board.

3.3.3.7.3. Nothing in this Article shall prevent the Council from establishing independent advisory groups, committees, or boards to make recommendations on any issue directly to the Council.

(Ord. of 10-9-2018; Amend. of 9-8-2020(2) ; Amend. of 2-9-2021(3) ; Amend. of 6-8-2021(5))

## TOWN OF OAK ISLAND

### Deputy Town Clerk

4601 E. Oak Island Dr.  
Oak Island, NC 28465  
Telephone 910-201-8111  
ebaker@oakislandnc.gov

## COMMITTEE APPLICATION



**Board/Committee:** \_\_\_\_\_

**Name:** \_\_\_\_\_ **email:** \_\_\_\_\_

### Home

**Address:** \_\_\_\_\_  
(Street) (City) (Zip Code)

**Mailing Address if different:** \_\_\_\_\_  
(Street) (City) (Zip Code)

**Home Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_ **Cell:** \_\_\_\_\_ **Business:** \_\_\_\_\_

**Years resident of Oak Island:** \_\_\_\_\_

**Do you have a family member employed by Town of Oak Island? If yes, name:** \_\_\_\_\_

**Applicant's Employer:** \_\_\_\_\_

*In accordance with the Town of Oak Island Personnel Policy, a person currently employed by the agency or department for which this application is made must resign his/her position with Oak Island upon appointment. Furthermore, the applicant should have no immediate family member employed by such agency or department.*

**Occupation:** \_\_\_\_\_

**Relevant Professional Activities:** \_\_\_\_\_

**Relevant Volunteer Activities:** \_\_\_\_\_

**Why do you wish to serve on this board/committee?**

**Conflict of Interest:** *If a board member believes he/she has a conflict or potential conflict of interest on a particular issue, that member should state this belief to the other members of his/her respective board during a public meeting. The member should state the nature of the conflict, detailing that he/she has a separate, private, or monetary interest, either direct or indirect, in the issue under consideration. The member should then excuse himself/herself from voting on the matter.*

**What areas of concern would you like to see addressed by this committee?**

**Qualifications for serving:**

*Qualifications: What knowledge, skills, experience or other abilities do you have to contribute?*

**Other Oak Island boards/committees on which you have or are serving:**

*Town policy limits service on volunteer boards/committees to two terms unless Council takes action otherwise.*

**Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?**

*Are you willing to provide details to Town Council in a confidential setting?*

**List three personal references and phone numbers:**

1. 

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2. 

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3. 

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**Attendance, Punctuality, and Code of Conduct:** All policies and statements contained in the Boards and Committes Handbook are incorporated here by reference and made a part of the Agreement.

**Boards/Committees Disclaimer:** I certify that the information provided in this application is true and correct to the best of my knowledge. I authorize and consent to background checks (if required) and to the investigation and verification of all information contained herein. I also release and discharge the Town of Oak Island from any claims and damages, losses, liabilities, costs, expenses, or any other charges or complaints arising out of the Town's use of any information provided pursuant to this release. I understand and agree that any misstatement will be cause for my removal from any Board or Committee. By submitting this application, I agree to adhere to all Town policies pertaining to Boards and Committees, including attendance. I hereby acknowledge that this application and the information provided herein may constitute a public record, and as such, may be released in accordance with all applicable public record laws.

Please check this box after reading the above disclosure statement:\*

I Agree\*

**Date:** 

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*Applications are kept on file for 12 months*

*Please use reverse side for additional comments*

**Signature** 

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*I understand that any board or committee appointee may be removed without cause by a majority of Town Council.*