

**Buncombe County**  
**General Obligation Bonds Oversight Committee**  
**By-Laws**

I. **Purpose:** The purpose of the Committee is to monitor the ongoing investment of the bond expenditures for the housing and open space bonds. The Committee is to review the investments made from the bond revenues to confirm that bond funds are invested in accordance with law and for the purposes indicated on the ballots.

II. **Procedure Statement:**

A. **Name and Office**

The General Obligation Bonds Oversight Committee (hereinafter, sometimes, the “Committee” or “GO Bond Committee”) exists by virtue of Buncombe County Board of Commissioners Resolution adopted August 16, 2022.

B. **Membership**

The Committee shall consist of five (5) members appointed as follows.

Four members appointed by the Buncombe County Board of Commissioners upon application as follows:

- one (1) person with an accounting background;
- one (1) person with a banking background;
- one (1) representative of the affordable housing community;
- one (1) representative from the conservation/ greenways community; and
- one (1) member to be appointed by the Asheville Area Chamber of Commerce.

C. **Terms**

Committee members will serve until all bond funds have been disbursed. Any member who is unable or unwilling to serve will be replaced by the appropriate appointing authority for the remainder of the term.

D. **Officers**

1. **Chair and Vice-Chair**

The Committee members shall appoint a Chairperson and Vice-Chairperson from its membership by majority vote to serve a two (2) year term and until his or her successor is appointed by the Committee. Said appointments shall be made during the first regularly scheduled meeting of each fiscal year and shall take effect immediately upon the successful majority vote.

The Chair of the Committee shall preside at Committee meetings if he or she is present. If the Chair is absent, the Vice-Chair shall preside. If the Chair and Vice-Chair are both absent, another member of Committee designated by a majority vote of members present at the meeting shall preside.

The Presiding Member shall have the following powers:

- To facilitate an orderly meeting in accordance with the prepared agenda;
- To rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;

- To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- To call a brief recess at any time;
- To adjourn in an emergency.

## **2. Secretary**

The County employee selected to staff this committee shall serve as Secretary to the Committee.

The Secretary of the Committee shall keep a true and accurate account of all proceedings of Committee meetings; issue notices of all meetings; issue any call for special meetings; prepare an annual report; and notify the Clerk to the Buncombe County Board of Commissioners office of any vacancies on the Committee.

## **E. Committee Meetings**

### **1. Regular Schedules**

- a) In accordance with North Carolina's open meetings laws, the schedule of regular meetings shall be filed with Clerk to the Buncombe County Board of Commissioners and shall be posted on Buncombe County's Website.

### **2. Special Meetings**

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

### **3. Agenda**

County staff shall have administrative oversight in organizing and documenting meetings, to include but not limited to agendas, minutes, notices, etc. The Committee may by unanimous vote add an item that requires immediate action that is not on the agenda.

#### **4. Public Comment**

There shall be a public comment period at the end of every regular meeting limited to three minutes for any individual or representative addressing the Committee.

#### **5. Quorum**

A quorum shall be three (3) members of the Committee. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members shall be counted as present for purposes of determining whether or not a quorum is present.

#### **6. Voting**

- No vote may be taken without a quorum being present.
- Upon good cause shown, and with the general consent of the members present, a member may make an appearance at a meeting by telephone or other electronic means and vote on any matter coming before the Committee at such meeting. Such appearance will count toward calculation of the necessary members present to constitute a quorum.

#### **7. Remote Participation**

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

#### **8. Minutes**

The Secretary shall prepare minutes of each Committee meeting. Copies of the minutes shall be made available to each Committee member before the next regular Committee meeting. At each regular meeting, the Committee shall review the minutes of the previous regular meeting as well as any special or emergency meetings that have occurred since the previous regular meeting, make any necessary revisions, and approve the minutes as originally drafted or as revised. The public may obtain copies of Committee meeting minutes at the County Administration Building, 200 College St., Asheville, NC 28801. Said minutes will also be available on the website at [www.buncombecounty.org](http://www.buncombecounty.org)

#### **9. Absences**

The attendance of Committee members is a priority and shall be recorded in the minutes. If an appointee misses four (4) consecutive meetings unexcused, or fails to attend at least 2/3rds of the regularly scheduled meetings of a board, committee or authority within any twelve (12) month period, he or she is obligated to resign. If the individual refuses to resign, he or she may be dismissed by action of the Commissioners subject to State or local law.

#### **F. Amendments to By-Laws**

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

## G. Other Procedural Matters

### 1. Action by the Committee

- a) The Committee shall proceed by motion. Any member, including the Chairperson, may make a motion.
  - b) A motion requires a second, indicating to the chair that at least one other member besides the person who stated the motion would like to have the motion considered.
  - c) A member may make only one motion at a time.
  - d) A substantive motion is out of order while another substantive motion is pending.
  - e) A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina.
  - f) The Chairperson shall state the motion and then open the floor to debate on it. The Chairperson shall preside over the debate according to these general principles:
    - i. The introducer (the member who makes the motion) is entitled to speak first;
    - ii. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
    - iii. To the extent possible, the debate shall alternate between opponents and proponents of the measure.
2. In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.
3. In order of priority (if applicable), the procedural motions are:
- a) **To Adjourn.** The motion may be made at any time by a member of the Committee and would require majority vote.
  - b) **To Take a Recess.**
  - c) **Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity or it is waived.
  - d) **To Suspend the Rules.** The motion requires a vote equal to a quorum.
  - e) **To Divide a Complex Motion and Consider It by Paragraph.**
  - f) **To Defer Consideration.** A substantive motion whose consideration has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted.
  - g) **Call of the Previous Question.** The motion is not in order until every member of the Committee has had at least one opportunity to speak.
  - h) **To Postpone to a Certain Time or Day.**
  - i) **To Refer to a Committee.** Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Committee, regardless of whether the committee has reported the matter back to the Committee.
  - j) **To Amend.** An Amendment to a motion must be germane to the subject matter of the motion, but it may achieve the opposite effect of the motion. Any amendment to a

proposed ordinance shall be reduced to writing on the call of any member, including the Chairperson.

- k) **To Revive Consideration.** The motion is in order at any time (100 days) after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires (100 days) after the deferral, unless a motion to revive consideration is adopted.
- l) **To Reconsider.** The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was taken. The motion cannot interrupt deliberation or a pending matter but is in order at any time before adjournment.
- m) **To Rescind or Repeal.**
- n) **To Ratify.**
- o) **To Prevent Reconsideration for Six Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months.
- p) **To Renew a Motion.** A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.
- q) **Withdrawal of a Motion.** A motion may be withdrawn by the introducer at any time before a vote.
- r) **Duty to Vote.** Once a meeting has been convened, every member, including the Chairperson, must vote unless excused by a majority vote of those members present. A member who wishes to be excused from voting shall so inform the Chairperson, who shall take a vote of the remaining members. The Committee may excuse a member from voting upon questions involving his or her own financial interest, his or her official conduct or on matters on which the member is prohibited from voting under N.C. Gen. Stat. § 14-234, and/or his or her own conflict of interest. The Committee may excuse a member from voting, but only upon questions involving his or her own financial interest or his or her official conduct or on matters on which the member is prohibited from voting under N.C. Gen. Stat. § 14-234. For purposes of this rule, the question of the compensation and allowances of members of the Committee does not involve a member's own financial interest or official conduct. Refusal to vote (without just cause) shall be recorded as an affirmative vote.

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

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

#### **I. Conflict of Interest**

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

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

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

**III. Applicability and Exceptions:** These by-laws apply to current members of the Committee for Buncombe County.

**IV. Procedure Responsibility and Management:**

- These by-laws should be reviewed annually by the Committee and the County's legal department.
- New Committee members will receive a copy of the by-laws and review it as part of their orientation.

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

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