

AN ORDINANCE TO ESTABLISH A PLANNING BOARD
FOR CLAY COUNTY, NORTH CAROLINA

Section 1. Creation.

The Clay County Board of Commissioners hereby establishes the Planning Board under the authority granted by the General Statutes of the State of North Carolina, Chapter 153A-321. The board shall constitute, function, and may be referred to as the Clay County Planning Board.

Section 2. Composition and Vacancies.

The Planning Board, hereinafter referred to as the "Board," shall consist of nine (9) members. The Board members shall be citizens and residents of Clay County and shall be appointed by the Board of Commissioners, as follows:

- (1) One who shall at the time of the appointment be actively connected with or have experience in agriculture and/or forestry.
- (2) One who shall at the time of the appointment be actively connected with or have experience in banking and finance.
- (3) One who shall at the time of the appointment be actively connected with or have experience in land development, construction or building inspections.
- (4) One who shall at the time of the appointment be actively connected with or have experience in real estate.
- (5) One who shall at the time of the appointment be actively associated with the Soil and Water Conservation District or the Agricultural Extension Agency.
- (6) One who shall at the time of the appointment be actively associated with the Chamber of Commerce.
- (7) One who shall at the time of the appointment be actively connected with or have experience in farming.
- (8) Two at-large member.

The initial appointments to the Planning Board shall be made as follows: Five (5) members shall be appointed for a term of three (3) years, and four (4) members shall be appointed for a term of two (2) years. As the terms of all members expire, members may be reappointed or new members appointed by the Board of Commissioners for terms of three (3) years.

In the event of a vacancy on the Planning Board, the Board of Commissioners shall appoint a new member to fill the unexpired term of the vacated position.

All nine (9) members of the Planning Board shall have equal rights, privileges and duties. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the Planning Board. Regular attendance of the meetings of the Board is considered a prerequisite for maintenance and membership on the Board. If a member is absent from more than three (3) consecutive meetings, the member may be replaced at the discretion of the Board of Commissioners.

Section 3. Organization, Rules, Meetings and Records.

The Planning Board shall meet and elect a chairman and vice chairman from among its regular members, both of whom shall serve for terms of one (1) year or until reelected or until their successors are elected. The Board shall appoint a secretary, who may be a county officer or employee of the county or a member of the Board, and who shall hold office during the term of the chairman and/or until a successor secretary shall have been appointed. The Board may create and fill other offices as it may determine.

The Board shall adopt rules for the transaction of its business which are consistent with this ordinance as well as the General Statutes of the State of North Carolina, and shall keep a record of its members' attendance, and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The Board shall schedule at least ten (10) meetings per year and all of its meetings shall be open to the public. There shall be a quorum of five (5) Board members for the purpose of taking any official action required by this ordinance.

Section 4. Expenditures, Incurring Indebtedness, Donations.

The expenditures of the Planning Board, exclusive of gifts or grants, shall be within the amounts appropriated for the purpose by the Board of Commissioners, and no indebtedness for which the County shall be liable shall be contracted or incurred by the said Board unless an appropriation is made by the Board of Commissioners for such purpose, as authorized by law, and then only to the extent of such appropriation. The Board shall have the right to accept gifts and donations for the exercise of its functions, and may expend the money received from such gifts and donations in a manner which in the judgment of the Board is consistent with the best interest of the planning program.

Section 5. Powers and Duties.

The Board shall have the power to perform the following duties:

- (1) Make studies of the area within its jurisdiction and surrounding areas.
- (2) Determine objectives to be sought in the development of the study area.
- (3) Prepare and adopt plans for achieving these objectives.
- (4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- (5) Advise the Board of Commissioners concerning the use and amendment of the means for carrying out plans.
- (6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct.
- (7) The Planning Board shall work and coordinate with other boards and advisory groups as directed by the Board of Commissioners.
- (8) Perform any other related duties that the Board of Commissioners may direct.

Section 6. Repeal and Effective Date.

Any ordinances or parts of ordinances in conflict herewith are hereby repealed and this ordinance shall be in full force and effect as an ordinance of Clay County from and after the date of its adoption by the Clay County Board of Commissioners.

Section 7. Validity.

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions, if otherwise valid, shall continue in full force and effect.

Section 8. Adoption.

This Ordinance to Establish a Planning Board for Clay County, North Carolina as hereinabove set forth, adopted and

enacted, shall be included in the Code of Ordinances of Clay County.

ADOPTED AND PASSED by the Clay County Board of Commissioners, this the _____ day of _____, 1990.

Chairman

Attest:

County Manager

AN ORDINANCE TO ESTABLISH A PLANNING BOARD
FOR CLAY COUNTY, NORTH CAROLINA

Section 1. Creation.

The Clay County Board of Commissioners hereby establishes the Planning Board under the authority granted by the General Statutes of the State of North Carolina, Chapter 153A-321. The board shall constitute, function, and may be referred to as the Clay County Planning Board.

Section 2. Composition and Vacancies.

The Planning Board, hereinafter referred to as the "Board," shall consist of nine (9) members. The Board members shall be citizens and residents of Clay County and shall be appointed by the Board of Commissioners, as follows:

(1) One who shall at the time of the appointment be actively connected with or have experience in agriculture and/or forestry.

(2) One who shall at the time of the appointment be actively connected with or have experience in banking and finance.

(3) One who shall at the time of the appointment be actively connected with or have experience in land development, construction or building inspections.

(4) One who shall at the time of the appointment be actively connected with or have experience in real estate.

(5) One who shall at the time of the appointment be actively associated with the Soil and Water Conservation District or the Agricultural Extension Agency.

(6) One who shall at the time of the appointment be actively associated with the Chamber of Commerce.

(7) One who shall at the time of the appointment be actively connected with or have experience in farming.

(8) Two at-large member.

The initial appointments to the Planning Board shall be made as follows: Five (5) members shall be appointed for a term of three (3) years, and four (4) members shall be appointed for a term of two (2) years. As the terms of all members expire, members may be reappointed or new members appointed by the Board of Commissioners for terms of three (3) years.

In the event of a vacancy on the Planning Board, the Board of Commissioners shall appoint a new member to fill the unexpired term of the vacated position.

All nine (9) members of the Planning Board shall have equal rights, privileges and duties. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the Planning Board. Regular attendance of the meetings of the Board is considered a prerequisite for maintenance and membership on the Board. If a member is absent from more than three (3) consecutive meetings, the member may be replaced at the discretion of the Board of Commissioners.

Section 3. Organization, Rules, Meetings and Records.

The Planning Board shall meet and elect a chairman and vice chairman from among its regular members, both of whom shall serve for terms of one (1) year or until reelected or until their successors are elected. The Board shall appoint a secretary, who may be a county officer or employee of the county or a member of the Board, and who shall hold office during the term of the chairman and/or until a successor secretary shall have been appointed. The Board may create and fill other offices as it may determine.

The Board shall adopt rules for the transaction of its business which are consistent with this ordinance as well as the General Statutes of the State of North Carolina, and shall keep a record of its members' attendance, and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The Board shall schedule at least ten (10) meetings per year and all of its meetings shall be open to the public. There shall be a quorum of five (5) Board members for the purpose of taking any official action required by this ordinance.

Section 4. Expenditures, Incurring Indebtedness, Donations.

The expenditures of the Planning Board, exclusive of gifts or grants, shall be within the amounts appropriated for the purpose by the Board of Commissioners, and no indebtedness for which the County shall be liable shall be contracted or incurred by the said Board unless an appropriation is made by the Board of Commissioners for such purpose, as authorized by law, and then only to the extent of such appropriation. The Board shall have the right to accept gifts and donations for the exercise of its functions, and may expend the money received from such gifts and donations in a manner which in the judgment of the Board is consistent with the best interest of the planning program.

Section 5. Powers and Duties.

The Board shall have the power to perform the following duties:

- (1) Make studies of the area within its jurisdiction and surrounding areas.
- (2) Determine objectives to be sought in the development of the study area.
- (3) Prepare and adopt plans for achieving these objectives.
- (4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- (5) Advise the Board of Commissioners concerning the use and amendment of the means for carrying out plans.
- (6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct.
- (7) The Planning Board shall work and coordinate with other boards and advisory groups as directed by the Board of Commissioners.
- (8) Perform any other related duties that the Board of Commissioners may direct.

Section 6. Repeal and Effective Date.

Any ordinances or parts of ordinances in conflict herewith are hereby repealed and this ordinance shall be in full force and effect as an ordinance of Clay County from and after the date of its adoption by the Clay County Board of Commissioners.

Section 7. Validity.

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions, if otherwise valid, shall continue in full force and effect.

Section 8. Adoption.

This Ordinance to Establish a Planning Board for Clay County, North Carolina as hereinabove set forth, adopted and

enacted, shall be included in the Code of Ordinances of Clay County.

ADOPTED AND PASSED by the Clay County Board of Commissioners, this the 9TH. day of JULY, 1990.

Harrell Moore
Chairman

Attest:

Carl W. Moore
County Manager