

Ashley Honeycutt

From: Victoria Potter <vpotter@hccog.org>
Sent: Friday, January 8, 2021 11:42 AM
To: Todd McNeill
Cc: Adam Stumb; Ashley Honeycutt
Subject: High Country COG Proposed Charter Amendments
Attachments: HCCOG Charter Red Line_2021.pdf; HCCOG- charter -1974.pdf; Sample County Resolution_ High Country COG Charter Amendments_2021.docx

Dear Chairman McNeill,

The High Country Council of Governments' Executive Board has recommended updating our Charter. The original Charter was issued in 1974, and was amended on two prior occasions. The new Charter will incorporate these prior amendments, update some outdated Charter language, and will be consistent with current laws and the COG's established procedures and practices.

To finalize this updated Charter, we need two-thirds of the member governments to adopt the amended Charter. A copy of the amended Charter is attached as a red-line document reflecting how the original document is being changed. Also attached is a copy of the original Charter and a sample resolution. Upon approval of the amended Charter, please send the executed resolution to Victoria Potter (vpotter@hccog.org).

Please let me know if you have questions. I am happy to discuss this with you or with your Board. Thank you in advance for your consideration.

Sincerely,
Julie

Julie Wiggins

Executive Director
468 New Market Blvd.
Boone, NC 28607
828-265-5434 x125
hccog.org



HIGH COUNTRY
COUNCIL OF GOVERNMENTS

Victoria Potter

*Communications &
Marketing Manager*
468 New Market Blvd.
Boone, NC 28607
828-265-5434 x101
hccog.org



HIGH COUNTRY
COUNCIL OF GOVERNMENTS

CONCURRENT RESOLUTION TO ENACT
A CHARTER FOR THE
~~REGION-D~~ HIGH COUNTRY COUNCIL OF GOVERNMENTS

Whereas, Article 20 of Chapter 160A authorizes any two or more municipalities and counties to create a regional council of local officials with such powers as are specified in the creating resolution or amendments thereof; and

Whereas, the governing bodies of the Counties of Alleghany, Ashe, Wilkes, Watauga, Avery, Mitchell, and Yancey have expressed an interest in the creation of a regional council of local officials; and the governing bodies of their local governmental units finds that it would be in the best interest of the citizens of this area to join together in the creation of such a regional council of local officials; and

Whereas, a regional council of local officials would benefit the governmental units participating in such a council, would provide a forum in which the participating officials might study and discuss community problems of mutual interest and concern and could lead to making of recommendations for consideration by the participating local governing bodies.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Alleghany, Ashe, Watauga, Wilkes, Avery, Mitchell, and Yancey Counties, that there be formed a regional council of local officials to be designated ~~Region-D~~ High Country Council of Governments with the charter of said council being as follows:

CHARTER OF THE ~~REGION-D~~ HIGH COUNTRY COUNCIL OF GOVERNMENTS

ARTICLE I

Section 1. Name of Council

The name of the regional council of local officials hereby created is the ~~Region-D~~ High Country Council of Governments. Hereinafter referred to as the "Council."

Section 2. Membership

- a) Membership in the Council shall consist of the ~~e~~Countries of Alleghany, Ashe, Wilkes, Watauga, Avery, Mitchell, and Yancey upon adoption of this concurrent resolution. Thereafter, membership shall be allowed to any municipality ~~in~~ ~~Region-D~~ within the geographic region of the Council upon adoption by the applicant of a resolution committing to joining the Council as it is then constituted and operating. ~~identical to the one under which the Council is then operating.~~ The governing body of the applicant shall select one of its elected members to be ~~a~~ an Executive Board member of the Council. Membership shall

also be open to minority organizations ~~of Region D~~ within the geographic region of the Council.

- b) Any participating governmental unit, or minority organization, may withdraw from the Council at the end of any Council fiscal year, after having given sixty (60) days' notice to that effect and sending a certified copy of ~~said~~ a resolution to ~~withdraw~~ to each of the other participating governmental units.

Section 3. Governing Structure

- a) ~~Council Executive~~ Board. ~~All~~ The members ~~of delegated to~~ the Council shall be collectively referred to as the ~~Council Executive~~ Board. Each member ~~government~~ shall select a member of their governing board ~~or representatives of minority organizations~~ as its representative on the ~~Council~~. ~~Executive Board~~.
- ~~b) Executive Committee. The Executive Committee shall consist of the following:~~
- ~~1. One elected official from a municipality within each county with each county's municipal representative being selected by caucus of their members at the annual meeting of the Council Board.~~
 - ~~2. One elected official from each member municipality within each county.~~
 - ~~3. One representative of minority organizations within the Region.~~
- ~~The maximum number of Executive Committee members is fifteen.~~
- c) Voting:
1. Voting on ~~both~~ the ~~Council Executive~~ Board ~~and the Executive Committee~~ shall be on the basis of one vote per member of the ~~Council Executive~~ Board ~~or Executive Committee~~ unless a ~~weighed~~ ~~weighted~~ vote is called for under the provision of subparagraph 2 hereunder.
 2. A ~~weighed~~ ~~weighted~~ vote may be called for by any member of the ~~Council Executive~~ Board ~~or Executive Committee~~.
 3. In ~~weighed~~ ~~weighted~~ voting, each ~~governmental representative~~ member of the Executive ~~Committee Board~~ is allowed one vote plus one vote for each 10,000 population or a fraction thereof represented.
- d) **Quorum.** ~~60%~~ **50%** of the members of the ~~Council Executive~~ Board shall constitute a quorum at any regular or special meeting of the ~~Council Executive~~ Board. The affirmative vote of a simple majority of the votes cast shall be necessary to act favorably on any matter.

Section 4. Purpose

The purpose of the Council shall be:

1. To serve as a forum for discussion of governmental problems of mutual interest and concern.

2. To develop and formalize policy recommendations concerning matters having an area-wide significance.
3. To promote inter-governmental cooperation.
4. To provide organizational machinery to ensure effective communication and coordination among the participating governmental units;
5. To serve as a vehicle for the collection and distribution of information concerning matters of area-wide interest;
and
6. To review upon request of a participating governmental unit applications of that unit for any grant-in-aid, federal, state or private.

The Council shall strive to promote harmony and cooperation among its members. It shall seek to deal with problems in a manner which is mutually satisfactory, and shall respect the autonomy of all local governments, within the ~~Region-D~~ High Country area.

Section 5. Finance Matters

- a) ~~On or before the 15th of April each year,~~ The Executive Director shall prepare and submit to the Executive Board ~~each participating governmental unit a proposed budget for the next~~ each fiscal year in accordance with North Carolina Law and other applicable regulations as amended from time to time. ~~commencing July 1.~~
- b) The budget shall ~~include also set out the share of membership dues proportionate share (in terms of percentage) of the budget~~ to be borne by each participating governmental unit, based on the latest decennial census ~~or the American Community Survey, whichever is most current.~~
- c) Upon approval of the budget by ~~all participating governmental units~~ the Executive Board, each participating governmental unit shall appropriate its share of the budget and shall forward to the ~~Council Treasurer~~ Finance Officer its share of the budget. All such appropriations shall be made in accordance with the ~~Municipal or County Fiscal Control Act~~ Local Government Budget and Fiscal Control Act, ~~as may be appropriate. The Council may designate a Council employee or with the agreement of the governing body involved, designate one of the City or county Accountants as the official Council Treasurer to perform the function of the City or County Accountant under the Municipal or County Fiscal Control Act insofar as post budget approval or expenditures is concerned.~~

ARTICLE II

Section 1. Meetings

Regular meetings of the ~~Council Executive~~ Board shall be held ~~at least once annually. Regular meetings of the Executive Committee shall be held~~ monthly ~~unless determined from time to time to be not necessary. Special meetings of the Executive Committee shall be held~~

~~monthly.~~ Special meetings of the ~~Council or~~ Executive ~~Committee~~ Board may be called by the Executive Director, Chair, or by any three members of the ~~Executive Board~~ ~~Council or Executive Committee~~. At least five days written notice shall be given of any special meeting. ~~#~~ Such notice shall state the time, place, and purpose of the meeting.

Section 2. Annual Report

The ~~administrator~~ Executive Director shall prepare and submit an annual written report of the Council activities, including a financial statement, to the participating governmental units.

ARTICLE III

Section 1. Officers

At the first regular meeting of ~~each calendar year, and annually thereafter,~~ the Executive ~~Committee~~ Board shall elect a ~~chairman~~ Chair, ~~vice chairman~~ Vice Chair, ~~s~~Secretary, and ~~t~~Treasurer to serve for one year or until their successors have been duly elected. Any vacancy occurring in an office shall be filled for the unexpired term by the Council. All officers shall be members of the Executive ~~Committee~~ Board. The Executive ~~Committee~~ Board may elect such additional officers as it finds to be necessary in the proper performance of its duties. Board members elected as Chair or Vice Chair shall be limited to two consecutive terms. The Chair will rotate between county and municipal elected officials. If the Chair of the Board is a representative from a county, then the Vice Chair shall be a representative from a town; or if the Chair of the Board is a representative from a town, then the Vice Chair shall be a representative from a county.

Section 2. Duties of Officers

- a) The Chair shall preside at all meetings of the ~~Council and~~ Executive ~~Committee~~ Board and shall conduct said meetings in an orderly and impartial manner so as to permit a free and full discussion by the membership of such matters as may be brought before the ~~Council of~~ Executive ~~Committee~~ Board. ~~and t~~The Chair shall have the same voting rights as the other members.
- b) The Chair may appoint such committees as ~~he~~ he/she finds to be necessary or desirable.
- c) The Vice Chair shall perform all the duties of the Chair in the absence of the Chair, or in the event of the inability of the Chair to act and shall perform such other duties as the Executive ~~Committee~~ Board may delegate to him or her.
- d) All other officers elected by the Executive ~~Committee~~ Board shall perform such duties as may be prescribed by the Executive ~~Committee~~ Board.

ARTICLE IV

Section 1. Powers, Duties and Responsibilities of the Council

The Council, within the limitations of funds and personnel provided by the participating governmental units, shall have the following powers, duties, and responsibilities:

- 1) To apply for, accept, receive, and disburse funds, grants, and services made available to it by the State of North Carolina or any agency thereof, the United States of America or any agency thereof, any unit of government (whether or not a member of the Council), and any private or civic agency;
- 2) To employ personnel;
- 3) To contract with consultants;
- 4) To contract with the State of North Carolina, any other state, the United States of America, or any agency thereof, for services;
- 5) To study regional governmental problems, including matters affecting health, safety, welfare, education recreation, economic conditions, regional planning, and regional development;
- 6) To promote cooperative arrangements and coordinated action among its member governments;
- 7) To make recommendations for review and action to its member governments and other public agencies which perform functions within the region in which its member governments are located;
- 8) Any other powers that are exercised or capable of exercise by its member governments and desirable for dealing with problems of mutual concern, subject to approval of the Executive ~~Committee~~ Board;
- 9) All other powers, duties, and responsibilities allowed or required by law.

ARTICLE V

Section 1. Executive Director

The Executive Director will be selected by ~~and shall serve at the pleasure of~~ the Executive ~~Committee Board of the Council~~. The salary of the Executive Director will be set annually by the Executive ~~Committee~~ Board.

Section 2. Other Staff

Other staff ~~employees~~ will be ~~employed by~~ ~~will be employees of the Council, to be hired, supervised, and subject to termination by~~ the Executive Director ~~based upon qualifications for the position. All employees, including the Executive Director, are employees of the Council.~~

ARTICLE VI

Amendments and Effective Date

All prior amendments to this Charter made by board vote, or resolution, or adoption, together with actions for or by the Council in reliance thereon, are hereby ratified and reaffirmed. This amended Charter, and any amendments hereto, ~~Amendments to the Charter~~ shall not become effective until adopted by two-thirds (2/3) of the participating governmental units ~~in the Region D Council of Governments~~ of the Council.

ARTICLE VII

Effective Date

~~— This Charter shall be in full force and effective from and after the date of its adoption by all initially named participating governmental units.~~

CONCURRENT RESOLUTION TO ENACT
A CHARTER FOR THE
REGION D COUNCIL OF GOVERNMENTS

Whereas, Article 20 of Chapter 160A authorizes any two or more municipalities and counties to create a regional council of local officials with such powers as are specified in the creating resolution or amendments thereof; and

Whereas, the governing bodies of the Counties of Alleghany, Ashe, Wilkes, Watauga, Avery, Mitchell, and Yancey have expressed an interest in the creation of a regional council of local officials; and the governing bodies of their local governmental units finds that it would be in the best interest of the citizens of this area to join together in the creation of such a regional council of local officials; and

Whereas, a regional council of local officials would benefit the governmental units participating in such a council, would provide a forum in which the participating officials might study and discuss community problems of mutual interest and concern and could lead to making of recommendations for consideration by the participating local governing bodies.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Alleghany, Ashe, Watauga, Wilkes, Avery, Mitchell, and Yancey Counties, that there be formed a regional council of local officials to be designated Region D Council of Governments with the charter of said council being as follows:

CHARTER OF THE REGION D COUNCIL OF GOVERNMENTS

ARTICLE I

Section 1. Name of Council

The name of the regional council of local officials hereby created is the Region D Council of Governments. "Hereinafter referred to as the "Council".

Section 2. Membership

(a) Membership in the Council shall consist of the counties of Alleghany, Ashe, Wilkes, Watauga, Avery, Mitchell, and Yancey upon adoption of this concurrent resolution. Thereafter, membership shall be allowed to any municipality in Region D upon adoption by the applicant of a resolution identical to the one under which the Council is then operating. The governing body of the applicant shall select one of its elected members to be a member of the Council. Membership shall also be open to minority organizations of Region D.

(b) Any participating governmental unit, or minority organization, may withdraw from the Council at the end of any Council fiscal year, after having given sixty (60) days notice to that effect and sending a certified copy of said resolution to the other participating governmental units.

Section 3. Governing Structure

(a) Council Board. All members of the Council shall be collectively referred to as the Council Board. Each member shall select a member of their governing board or representatives of

minority organizations as its representative on the Council.

(b) Executive Committee

The Executive Committee shall consist of the following:

1. One elected official from each County's Board of Commissioners.
2. One elected official from a municipality within each county with each county's municipal representative being selected by caucus of their members at the annual meeting of the Council Board.
3. One representative of minority organizations within the Region.

The maximum number of Executive Committee members is fifteen.

(c) Voting:

1. Voting on both the Council Board and the Executive Committee shall be on the basis of one vote per member of the Council Board or Executive Committee unless a weighed vote is called for under the provision of subparagraph 2 hereunder.
2. A weighed vote may be called for by any member of the Council Board or Executive Committee.
3. In weighed voting, each member of the Executive Committee is allowed one vote plus one vote for each 10,000 population or a fraction thereof represented.

(d) 60% of the members of the Council shall constitute a quorum at any regular or special meeting of the Council. The affirmative vote of a simple majority of the votes cast shall be necessary to act favorably on any matter.

Section 4. Purpose

The purpose of the Council shall be:

- (1) To serve as a forum for discussion of governmental problems of mutual interest and concern.
- (2) To develop and formalize policy recommendations concerning matters having an area-wide significance.
- (3) To promote inter-governmental cooperation.
- (4) To provide organizational machinery to insure effective communication and coordination among the participating governmental units;
- (5) To serve as a vehicle for the collection and distribution of information concerning matters of area-wide interest; and
- (6) To review upon request of a participating governmental unit applications of that unit for any grant-in-aid, federal, state, or private.

The Council shall strive to promote harmony and cooperation among its members. It shall seek to deal with problems in a manner which is mutually satisfactory, and shall respect the autonomy of all local governments, within the Region D area.

Section 5. Finance Matters

(a) On or before the 15th of April each year, the Executive Director shall prepare and submit to each participating governmental unit a proposed budget for the next fiscal year commencing July 1.

(b) The budget shall also set out the proportionate share (in terms of percentage) of the budget to be borne by each participating governmental unit, based on the latest decennial census.

(c) Upon approval of the budget by all participating governmental units, each participating governmental unit shall appropriate its share of the budget and shall forward to the Council Treasurer its share of the budget. All such appropriations shall be made in accordance with the Municipal or County Fiscal Control Act, as may be appropriate. The Council may designate a Council employee or with the agreement of the governing body involved, designate one of the City or County Accountants as the official Council Treasurer to perform the function of the City or County Accountant under the Municipal or County Fiscal Control Act insofar as post-budget approval or expenditures is concerned.

ARTICLE II

Section 1. Meetings

Regular meetings of the Council Board shall be held at least once annually. Regular meetings of the Executive Committee shall be held monthly. Special meetings of the Council or Executive Committee may be called by the Executive Director, Chairman, or

by any three members of the Council or Executive Committee.

At least five days written notice shall be given of any special meeting. It shall state the time, place, and purpose of the meeting.

Section 2. Annual Report

The administrator shall prepare and submit an annual written report of the Council activities, including a financial statement to the participating governmental units.

ARTICLE III

Section 1. Officers

At the first regular meeting of the Executive Committee and annually thereafter, the Executive Committee shall elect a chairman, vice chairman, secretary, and treasurer to serve for one year or until their successors have been duly elected. All officers shall be members of the Executive Committee. The Executive Committee may elect such additional officers as it finds to be necessary in the proper performance of its duties.

Section 2. Duties of Officers

(a) The Chairman shall preside at all meetings of the Council and Executive Committee and shall conduct said meetings in an orderly and impartial manner so as to permit a free and full discussion by the membership of such matters as may be brought before the Council of Executive Committee and the Chairman shall have the same voting rights as other members.

(b) The Chairman may appoint such committees as he finds to be necessary or desirable.

(c) The vice chairman shall perform all the duties of the chairman in the absence of the chairman, or in event of the inability of the chairman to act and shall perform such other duties as the Executive Committee may delegate to him.

(d) All other officers elected by the Executive Committee shall perform such duties as may be prescribed by Executive Committee.

ARTICLE IV

Section 1. Powers, Duties and Responsibilities of the Council

The Council, within the limitations of funds and personnel provided by the participating governmental units, shall have the following powers, duties, and responsibilities:

(1) To apply for, accept, receive, and disburse funds, grants, and services made available to it by the State of North Carolina or any agency thereof, the United States of America or any agency thereof, any unit of local government (whether or not a member of the Council), and any private or civic agency;

(2) To employ personnel;

(3) To contract with consultants;

(4) To contract with the State of North Carolina, any other state, the United States of America, or any agency thereof, for services;

(5) To study regional governmental problems, including matters affecting health, safety, welfare, education, recreation, economic conditions, regional planning, and regional development;

(6) To promote cooperative arrangements and coordinated action among its member governments;

(7) To make recommendations for review and action to its member governments and other public agencies which perform functions within the region in which its member governments are located;

(8) Any other powers that are exercised or capable of exercise by its member governments and desirable for dealing with problems of mutual concern, subject to approval of the Executive Committee.

ARTICLE V

Section 1. Executive Director

The Executive Director will be selected by the Executive Committee of the Council. The salary of the Executive Director will be set annually by the Executive Committee.

Section 2

Other staff employees will be employed by the Executive Director based upon qualifications for the position. All employees, including the Executive Director are employees of the Council.

ARTICLE VI

Amendments

Amendments to the Charter shall not become effective until adopted by two-thirds (2/3) of the participating governmental units in the Region D Council of Governments.

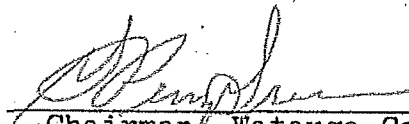
ARTICLE VII

Effective Date

This Charter shall be in full force and effective from and after the date of its adoption by all initially named participating governmental units.

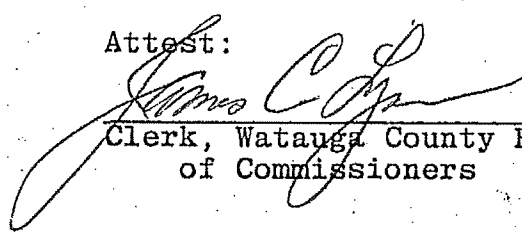
In witness whereof, the Board of County Commissioners
of the County of Watauga, State of North Carolina, have
duly authorized the Chairman of the Board to act on behalf
of the Board, and whereas the Chairman has caused this
resolution to be executed and approved.

This the 2nd day of April, 1974.



Chairman, Watauga County Board
of Commissioners


Attest:




Clerk, Watauga County Board
of Commissioners

In witness whereof, the Board of County Commissioners of the County of Wilkes, State of North Carolina, have duly authorized the Chairman of the Board to act on behalf of the Board, and whereas the Chairman has caused this resolution to be executed and approved.

This the 2nd day of April, 1974.

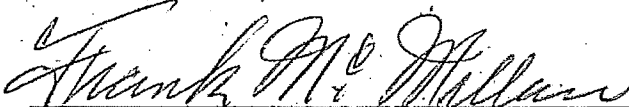

Chairman, Wilkes County Board of
Commissioners

Attest:

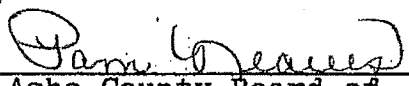

Clerk, Wilkes County Board of
Commissioners

In witness whereof, the Board of County Commissioners
of the County of Ashe, State of North Carolina, have
duly authorized the Chairman of the Board to act on
behalf of the Board, and whereas the Chairman has caused
this resolution to be executed and approved.

This the 2nd day of April, 1974

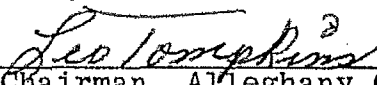

Chairman, Ashe County Board of
Commissioners

Attest:

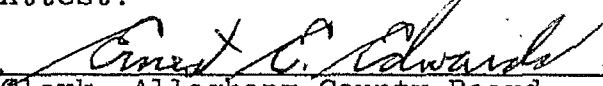

Clerk, Ashe County Board of
Commissioners

In witness whereof, the Board of County Commissioners
of the County of Alleghany, State of North Carolina, have
duly authorized the Chairman of the Board to act on behalf
of the Board, and whereas the Chairman has caused this
resolution to be executed and approved.

This the 2nd day of April, 1974


Chairman, Alleghany County Board
of Commissioners

Attest:


Clerk, Alleghany County Board
of Commissioners

In witness whereof, the Board of County Commissioners of the County of Avery, State of North Carolina, have duly authorized the Chairman of the Board to act on behalf of the Board, and whereas the Chairman has caused this resolution to be executed and approved.

This the 5th day of August, 1974.



Wayl Bannister
Chairman, Avery County Board
of Commissioners

Attest:

Patricia D. Setzer
Clerk, Avery County Board
of Commissioners

NORTH CAROLINA

MITCHELL COUNTY

IN WITNESS WHEREOF, the Board of County Commissioners of the County of Mitchell, State of North Carolina have duly authorized the Chairman of the Board to act on behalf of the Board and,

WHEREAS the Chairman has caused this resolution to be executed and approved.

This the 2nd day of April, 1974.

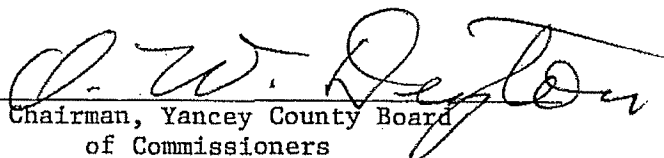
Robert B. Hughes
Chairman, Mitchell County Board of
Commissioners

ATTEST:


Judy Young
Judy Young, Clerk to the Board

In witness whereof, the Board of County Commissioners of the County of Yancey, State of North Carolina, have duly authorized the Chairman of the Board to act on behalf of the Board, and whereas the Chairman has caused this resolution to be executed and approved.

This the 2nd day of April, 1974.


Chairman, Yancey County Board
of Commissioners

Attest:


Clerk, Yancey County Board
of Commissioners

WHEREAS, the High Country Council of Governments was originally chartered in 1974, when created by the Counties of Alleghany, Ashe, Avery, Mitchell, Watauga, Wilkes, and Yancey, then as "Region D Council of Governments"; and

WHEREAS, since formed, the High Country Council of Governments has adopted bylaws, and from time-to-time amended both its Charter and bylaws; and

WHEREAS, the High Country Council of Governments has grown by adding municipalities, and its governance has evolved to include regular monthly meetings of the full board where all member counties and municipalities have voting representatives; and

WHEREAS, the Executive Board and management of the High Country Council of Governments have undertaken to update and modernize its Charter, with the proposed amended Charter attached hereto; and

WHEREAS, by Charter, two-thirds of the participating governmental units must approve of any Charter amendment; and

WHEREAS this County's Board of Commissioners has had opportunity to review the changes contained within the proposed amendments to the Charter attached hereto, and finds that those changes accurately reflect, modernize, and improve the High Country Council of Governments' ongoing organization and operations and should be approved and adopted;

NOW, THEREFORE, BE IT RESOLVED by the _____ County Board of Commissioners that the attached amended Charter for the High Country Council of Governments should be adopted and approved.

Adopted this the _____ day of _____, 2021.

Attest:

Chair, _____ County Board of
Commissioners

Clerk to the Board