

**ORDINANCE AMENDING CHAPTER 2, ARTICLE III, OF THE CITY CODE
ENTITLED
“BOARDS AND COMMISSIONS” AND ARTICLE IV, ENTITLED
“OFFICERS AND EMPLOYEES”**

BE IT ORDAINED by the Winston-Salem City Council as follows:

Section 1. Section 2-63. Public bodies designated; meetings. is amended to read as follows:

“Sec. 2-63. - Public bodies designated; meetings.

(a) *Public bodies designated.* The city council, adopting the following to comply with G.S. 143-318.9 et seq., determines that the following authorities, boards, commissions, committees, councils or other bodies, or any of their committees or subcommittees under its authority, constitute public bodies within the meaning of G.S. 143-318.9 et seq.:

- (1) Citizens' budget advisory council.
- (2) Citizens' organizational efficiency review committee.
- (3) Citizen police review board.
- (4) City/county planning board.
- (5) City/county utility commission.
- (6) Coalition for drug abuse prevention.
- (7) College advisory board.
- (8) Community appearance commission.
- (9) Community sustainability program committee.
- (10) Creative corridors design review committee.
- (11) [Reserved.]
- (12) Emergency management advisory council.
- (13) Fair planning committee.
- (14) Firemen's relief fund/board of trustees.
- (15) Forsyth County historic resources commission.
- (16) Forsyth County tourism development authority.
- (17) Housing advisory committee.
- (18) Housing authority.
- (19) Human relations commission.
- (20) Loan committee.
- (21) M/WBE advisory committee.
- (22) Medical review board.

- (23) Piedmont Triad airport authority.
 - (24) Police officers' retirement commission.
 - (25) Public assembly facilities commission.
 - (26) Recreation and parks commission.
 - (27) Sister cities board.
 - (28) Stormwater appeals board.
 - (29) Winston-Salem/Forsyth County Commission on Ending Homelessness.
 - (30) Transit authority.
 - (31) Transportation advisory committee.
 - (32) Triad municipal ABC board.
 - (33) Youth advisory council.
 - (34) Zoning board of adjustment.
 - (35) Downtown Winston-Salem Business Improvement District Advisory Committee.
 - (36) Community agency allocation committee.
 - (37) Outstanding women leaders program committee.
 - (38) Urban food policy council
- (b) *Schedule of meetings.* The chairperson or secretary of each public body shall file with the city secretary a schedule of its regular meetings, showing the time and place of its meetings, and shall report any changes in its schedule of regular meetings to the city secretary at least seven days before the first meeting held pursuant to the revised schedule.
- (c) *Notice of special meetings.* The chairperson or secretary of each public body shall comply with the following procedures for any special meeting to be held at a time or place other than that established for regular meetings:
- (1) Written notice of such meetings shall be posted on the principal bulletin board of the public body or, if there is no such bulletin board, on the door of the usual meeting room.
 - (2) Notice shall be mailed or delivered to each newspaper, wire service, radio station, television station or person who has properly filed a written request for notice with the city secretary.
 - (3) Further, notice of special meetings shall be posted and mailed or delivered at least 48 hours before the time of the meeting.
 - (4) Each public body shall charge each person, other than news media, submitting a request for notice a fee of \$10.00 per year.
- (d) *Emergency meetings.* The chairperson or secretary of each of the public bodies shall comply with the following procedures for emergency meetings as defined in G.S. 143-318.9 et seq.:

- (1) Notice by telephone shall be given to each local newspaper, local wire service, local radio station and local television station that has properly filed a written request for notice with the city secretary immediately after notice has been given to members of the public body.
 - (2) An emergency meeting may be called because of generally unexpected circumstances that require immediate consideration, and at such meeting only business connected with the emergency may be considered.
- (e) *Maintenance of lists of persons requesting notice of meetings.* The city secretary shall maintain lists for each public body of those persons and news organizations requesting notice of special and emergency meetings, and shall provide a current copy of such lists to the chairperson or secretary of each public body.
- (f) Agendas. Unless otherwise provided, the staff person assigned to each city authority, committee, board and commission, in consultation with the chairperson thereof, shall cause an agenda of every meeting to be prepared and sent out for delivery to the members of the authority, committee, board and commission at least 48 hours prior to the time for which the meeting is scheduled. Supporting documents and information as to each agenda item shall accompany the agenda to the extent deemed by the staff person and chairperson to be reasonably necessary to apprise the members of the authority, committee, board and commission of the substance of each item, and to the extent available at the time the agenda is sent out. Failure to comply with the provisions of this subsection shall not affect the validity of any action of the authority, committee, board or commission.”

Section 2. Section 2-65. Ethics policy. is written to read as follows:

“Sec. 2-65.- Ethics policy.

City board, commission, authority and committee members shall abide by the city's ethics policy. If it is determined that a board, commission, committee or authority member has a prohibited interest or relationship, or has failed to abide by the city's ethics policy, said member shall be removed from the board, commission, committee or authority by the city council.”

Section 3. Section 2-66. Residency is written to read as follows:

“Sec. 2-66.-Residency.

Except as otherwise provided, no person shall be eligible to hold appointive office to any board, commission, committee or authority of the city unless such person is a resident of the county.”

Section 4. Division 5-Public Assembly Facilities Commission. is hereby amended as follows:

“Sec. 2-151. - Generally.

- (a) *Creation; purpose.* A commission, composed of 11 persons, all of whom shall be residents of the city, to be known as the Winston-Salem Public Assembly Facilities Commission (hereinafter, the "commission"), is hereby created to oversee the city's fairgrounds, convention center, coliseum, coliseum annex, baseball stadium, and Bowman Gray Stadium (hereinafter, the "public assembly facilities") with powers and duties as set forth in this division.
- (b) *Appointment and term of members; vacancies.* Ten members shall be appointed by the city council, upon the recommendation of the mayor, and the eleventh, who shall serve as chairperson, shall be appointed by the mayor. All appointments shall be for a term of three years. Initial appointments shall be for four years for the chairperson and five members, and three years for five members. All members shall serve until their successors are duly appointed by the mayor and city council respectively. Vacancies occurring other than by expiration of terms shall be filled by appointment of the city council or mayor respectively for the unexpired term.
- (c) *Compensation of members.* The members of the commission shall serve without compensation.
- (d) *Conflict of interest.* No member of the commission shall have or thereafter acquire an interest in any contract or agreement with the commission or the city for the fairgrounds, convention center, ~~coliseum~~, ~~coliseum~~ annex, ~~Ernie Shore Field~~, or Bowman Gray Stadium, except as otherwise provided in G.S. 14-234.
- (e) *Officers.* The officers of the commission shall consist of a chairperson, vice chairperson, and secretary. The vice chairperson and secretary shall be elected annually by the commission. The chairperson and vice chairperson shall be members of the commission. The secretary may but need not be a member of the commission. The chief financial officer of the city shall serve as treasurer of the funds of the commission.
- (f) *Meetings.* The commission shall meet regularly at least quarterly. Special meetings may be called by the chairperson or, in his absence, by the vice chairperson, and special meetings may be called by a majority of the members of the commission or by the city council.
- (g) *Quorum and voting.* A majority of the members of the commission shall constitute a quorum, and a majority vote of those present shall be required to constitute action of the commission. The presiding member of the commission may vote on any matter considered by the commission.
- (h) *Actions of commission.* The commission shall act as a body in the transaction of all business, unless a committee or member is duly authorized by the commission for a specific purpose.
- (i) *Committees.* The commission is authorized to appoint committees from its membership, whose functions shall be fixed by the commission at the time of appointment. Such committees may be standing committees and shall perform such duties as may be assigned by the commission. Each committee shall be discharged upon the completion of the duties assigned to it, unless it is a standing committee.
- (j) *Marketing committee.* The commission shall appoint a marketing committee to assist and advise the public assembly facilities' respective directors in the marketing of the public

assembly facilities, their activities and events, and to perform any other duties as the commission may assign. The number of members of the marketing committee and their terms shall be as set forth by the commission. The marketing committee shall be a standing committee.

- (k) *Fair planning committee.* The commission shall appoint a fair planning committee to assist and advise the fair director in the planning and execution of the annual Dixie Classic Fair. The fair planning committee shall have up to 25 members and be comprised of commission members, and non-commission members who may reside outside of the City of Winston-Salem. The fair planning committee members shall be a standing committee and the terms of its members shall be as set forth by the commission. The fair planning committee shall have the authority to approve all entertainment contracts less than \$5,000.00 and recommend for approval by the commission entertainment contracts over \$5,000.00, multi-year contracts and other contracts necessary for the planning and execution of the annual Dixie Classic Fair.

Sec. 2-152. - Powers and duties; finances.

- (a) Subject to such limitations as may be imposed by state or local law, including ordinances of the city, management contracts, leases and other agreements, the commission shall:
- (1) Have charge and control of the city's public assembly facilities and adopt rules and regulations for the operation thereof;
 - (2) Determine and fix the rates and fees to be charged in connection with the use of the public assembly facilities;
 - (3) Promote and schedule fairs, conventions, sports, recreation, entertainment, and cultural events and activities to use the services and facilities of the public assembly facilities; and enter into contracts with the parties to whom such services and facilities are to be made available, except no lease shall exceed a term of one year and no contract shall exceed \$100,000 unless approved by city council. All leases and contracts referenced in this division shall be executed by the city manager or his designee;
 - (4) Be responsible for the conduct, operation and management of the public assembly facilities; and unless otherwise provided, shall have authority to enter into contracts and agreements necessary to carry out these responsibilities, but not in excess of \$100,000 unless approved by city council and ~~of~~ funds appropriated and budgets approved by the city council;
 - (5) Receive a quarterly report from the City of Winston-Salem Chief Financial Officer regarding the financial statements for the baseball stadium; monitor compliance with the existing agreements relating to the baseball stadium. In the event of a default on repayment requirements outlined in the stadium agreement, receive copies of any notice of said default.
- (b) All personnel employed in the operation of the public assembly facilities shall be employees of the city and shall be appointed and removed in the same manner as other city employees, ~~except that the fairgrounds director and the public assembly facilities director be appointed by the city manager, upon recommendation of the commission.~~

- (c) Funds appropriated by the city council to the commission shall be disbursed as other appropriations by the city council.
- (d) All funds collected or otherwise received by the commission from sources other than appropriated funds shall be deposited to the credit of the city for the use of the commission and shall be disbursed by the chief financial officer as directed by the commission, within the limits of the authority granted to the commission by the city council. All net proceeds from the operation of the fairgrounds shall be used to pay the interest and principal on financial obligations of the city undertaken on behalf of or for the benefit of the fairgrounds and shall not be used for any other purpose, except as may be otherwise approved by the city council. Any net proceeds remaining, after such financial obligations are paid in full, shall be used for the continued operation of the fairgrounds and shall not be appropriated for use by any other public assembly facility, except as otherwise approved by the city council.
- (e) Funds received by the commission in the form of a gift shall be formally approved and accepted by the city council except as otherwise provided by city council. ~~by gift shall, if so provided, be disbursed in accordance with the terms of the gift, to the extent such terms are not inconsistent with G.S. 133-32 and any other applicable laws, rules or regulations.~~
- (f) The commission shall have no authority to enter into any contract or incur any obligation binding the city, except within the limits of the authority conferred upon the commission under this division and within the limits of funds budgeted, by the city council, for the use and purposes of the commission.
- (g) The commission shall prepare and submit annually to the city manager its proposed budgets for the operation of the public assembly facilities for the ensuing fiscal year to be included in the proposed budget for consideration by the city council, and shall, from time to time, render to the city council all such statements and reports as may be requested by the council."

Section 5. Division 8-Human Relations Commission. is hereby amended to read as follows:

“Sec. 2-211. - Creation; duties.

- (a) There is hereby created, pursuant to the provisions of G.S. 160A-492, a commission to be known as the human relations commission. The duties of the commission shall be to:
 - (1) Study problems of discrimination in any or all fields of human relationship and encourage fair treatment and mutual understanding among all ethnic groups in the city;
 - (2) Promote equality of opportunity for all citizens;
 - (3) Provide channels of communication among all ethnic groups;
 - (4) Encourage the employment of qualified people of all ethnic groups;
 - (5) Encourage youth to become better trained and qualified for employment opportunities;

- (6) Anticipate and discover those practices most likely to create animosity and unrest among racial and ethnic groups and by consultation seek a solution as these problems arise or are anticipated;
 - (7) Hold such meetings as the commission may deem necessary or property to assist in carrying out its functions;
 - (8) Make recommendations to the city council for action it deems necessary to the furtherance of harmony among racial and ethnic groups in the city;
 - (9) Perform duties consistent with general law as may be assigned it from time to time by the city council;
 - (10) Perform such other duties as necessary to enforce the powers assigned it in accordance with Article IV, the Fair Housing Ordinance of the City of Winston-Salem, of Chapter 38 of the City Code; and
 - (11) Facilitate partnerships with fair housing and cultural community organizations to further the purpose of the commission.
- (b) The nature and the extent of its policies and programs shall be determined and set by the commission and shall be implemented within accepted policies and procedures of the city.
- (c) Pursuant to G.S. 160A-492, the human relations commission, through the human relations department, shall undertake the task of developing, implementing and enforcing, consistent with the advice of the city manager's office and the city attorney's office, a landlord-tenant mediation/dispute resolution program entitled "Alternative Residential Mediation Program ("ARM")" serving the citizens of Winston-Salem. Input should be sought from the appropriate Forsyth County court personnel before implementation of said program. In carrying out this program, the human relations commission and the human relations department shall look to G.S. 42 as guidance when determining the respective rights and obligations of landlords and tenants and mediating disputes. This program should be designed to attempt an amicable resolution of landlord-tenant disputes and to promote understanding, respect and goodwill among all citizens. This program shall be reviewed on a periodic basis for its effectiveness and an annual report regarding the same shall be submitted to the city council.

Sec. 2-212. - Membership.

The human relations commission shall be composed of 13 members, at least seven of whom shall be members of minority or ethnic groups, who shall be appointed by the city council, upon the recommendation of the mayor, for terms indicated in section 2-213. All members of the commission shall be residents of the city.

Sec. 2-213. - Term of members; vacancies.

All terms of members of the human relations commission shall be for three years and shall begin in January and end in December. Members shall hold office until their successors are

appointed and qualified. Any vacancy resulting from a cause other than expiration of term shall be filled only for the unexpired portion of the term.

Sec. 2-214. - Removal of members.

A member of the human relations commission may be removed by the city council for cause. If a member shall miss all of the meetings held during any period of 60 days without excuse granted by the commission, this may be considered as cause for removal.

Sec. 2-215. - Officers.

The mayor shall designate a chairperson of the human relations commission who shall serve for one year. The members shall elect a secretary who shall serve for one year. The secretary may be either a member of the commission or an employee of the city. The members also shall elect a vice-chairperson who shall serve for one year. Should the chairperson be absent at any meeting, the vice-chairperson shall preside over the meeting. Should the chairperson and vice-chairperson be absent at any meeting, the commission shall elect a temporary chairperson to serve at the meeting. Should the secretary be absent at any meeting, the commission shall elect a temporary secretary to serve at the meeting. The commission shall thereafter determine the manner of election of the chairperson, vice-chairperson, and secretary for subsequent one-year terms.

Sec. 2-216. - Compensation of members; budget; appointment and removal of employees.

- (a) Members of the human relations commission shall serve without compensation. The commission shall be furnished secretarial assistance by the city manager to assist in its organizational efforts. Thereafter, the commission shall recommend an annual budget to the city manager, which budget shall include such salaries, materials and supplies as are necessary for the proper function of the commission.
- (b) Employees of the human relations office are employees of the city, and shall be appointed and removed in the same manner as other city employees, ~~with the exception that the city manager shall have the authority to hire and thereafter retain the director of the human relations office upon the recommendation of the human relations commission.~~

Sec. 2-217. - Regular meetings.

The human relations commission shall hold meetings regularly at least once each month unless there is not sufficient business to warrant a meeting, but not more than 60 days shall expire without a regular meeting or special meeting of the commission. Regular meetings shall be held on such days and at such hours as may be fixed by the rules of the commission.

Sec. 2-218. - Special meetings.

Special meetings of the human relations commission may be called by the chairperson by notice given in writing and delivered personally to each member or left at his residence not less than 48 hours prior to the time fixed for the meeting. If all members of the commission are present at the special meeting, however, then the requirement as to prior written notice shall be deemed to be waived. The notice of the special meeting shall state the purpose of the meeting and no business shall be transacted at that meeting other than that set forth in the notice.

Sec. 2-219. - Place of meetings; meetings to be public.

All regular and special meetings of the commission shall be at a time and place to be determined by the commission with notice provided in accordance with section 2-63.

Sec. 2-220. - Quorum and voting.

Seven members of the human relations commission shall constitute a quorum, and the affirmative vote of a majority, a quorum being present and voting, shall be required before any recommendation is made on any matter considered.

Sec. 2-221. - Rules of procedure.

The human relations commission shall adopt such rules and regulations as may be necessary for the proper discharge of its duties, which shall be filed with the city secretary.

Sec. 2-222. - Reports.

The human relations commission shall submit from time to time, but not less than once annually, a report of its activities and recommendations to the city council, which shall be filed with the city secretary and made a part of the official minutes of the city council.”

Section 6. Division 9. Recreation and Parks Commission is hereby amended to read as follows:

“Sec. 2-241. - Creation.

There is hereby created a commission to be known as the Winston-Salem Recreation and Parks Commission.

Sec. 2-242. - Membership; term of members; compensation of members; vacancies; quorum and voting.

- (a) *Membership; compensation of members.* The recreation and parks commission shall be composed of 11 members, who shall be residents of the city appointed by the city council, and who shall serve without pay.
- (b) *Term of members.* All appointments shall be for terms of three years.
- (c) *Vacancies.* Vacancies occurring in the commission, other than by expiration of the terms, shall be filled upon election by the city council for the unexpired term.
- (d) *Quorum and voting.* A majority of the members of the commission shall constitute a quorum, and a majority vote of those present shall be required to constitute action of the commission. The presiding member of the commission may vote on any matter considered by the commission.

Sec. 2-243. - Organization; officers; adoption of regulations; meetings.

- (a) Immediately after their appointment, the members of recreation and parks commission shall meet and organize by electing one of their member's president and such other officers as may be necessary.
- (b) The recreation and parks commission shall have the power to make bylaws, rules and regulations, not inconsistent with the provisions of the Charter and this Code, for the proper conduct of the recreation department of the city.
- (c) The commission shall hold regular meetings at least once in each month and additional meetings at such times as may be determined by the commission.

Sec. 2-244. - Powers and duties.

- (a) The recreation and parks commission may conduct recreational activities and supervise recreation facilities on property owned or controlled by the city, or on other properties with the consent of the owners thereof, except where other provision is now or hereafter made therefor by the ordinances of the city. The commission shall have the authority and be charged with the responsibility for the operation, control and management of the city parks and of other city properties under the jurisdiction of the city recreation department. The commission is authorized and empowered to make all necessary rules and regulations for the operation and management of facilities under the jurisdiction of the city recreation department and to that end may, without limitation, ~~enter into contracts,~~ lease facilities not to exceed one year unless approved by city council, recommend charges for approval by the city council, collect fees, issue permits, recommend the approval and acceptance of ~~accept~~ gifts and donations for the furtherance of the city recreation program by the city council, and in general do all things necessary for the operation and management of the parks and recreation facilities. The commission is to have such other powers as may be prescribed from time to time by the city council.

- (b) The recreation and parks commission shall conduct and supervise recreation facilities and activities on any of the properties owned or controlled by the city, or on other properties with the consent of the owners and authorities thereof.
- (c) Any area designated by the city as a greenway area shall, for purposes of the provisions of this Code, be deemed a park or playground.

Sec. 2-245. - Appointment of director of recreation.

The city manager shall have the power to appoint or designate a qualified person to act as the director of recreation.

Sec. 2-246. - Reports.

The recreation and parks commission shall make an annual report to the city council, and such other reports as the city council may from time to time request.

Sec. 2-247. - Limitations on authority.

All acts of the recreation and parks commission shall be subject to the supervision and control of the city council, and may be modified or rescinded at any time by the city council. Additionally, inasmuch as Salem Lake is primarily a source of water supply and storage for the city, the commission shall make no rules or regulations which shall interfere or conflict with the operation and control of the lake by the department of public works or with the rules and regulations lawfully enforceable by the health department.”

Section 7. Section 2-312. Residency requirement. Paragraph (a) is hereby amended to read as follows:

“Sec. 2-313. - Residency requirement.

- (a) Except as otherwise provided, no person shall be eligible to hold elective office in the city unless such person is a resident of the city. ~~Except as otherwise provided, no person shall be eligible to hold appointive office to any board, commission or authority of the city unless such person is a resident of the county.”~~

Section 8. This ordinance shall become effective upon adoption.