

ORDINANCE AMENDING CHAPTER 2 “ADMINISTRATION” BY CREATING A NEW DIVISION 13 ENTITLED “M/WBE ADVISORY COMMITTEE”

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

Section 1: Chapter 2, “Administration” is hereby amended by: (i) renumbering the existing divisions 13 and 14 as 14 and 15 respectively and (ii) creating a new division 13 to read as indicated below. This ordinance replaces the resolution adopted on November 17, 1987 which initially created the M/WBE Advisory Committee. The adoption of this ordinance does not change the terms of current membership. Division 13. M/WBE Advisory Committee is written to read as follows:

**“DIVISION 13. M/WBE Advisory Committee.**

**Sec. 2-289. - Creation; purpose.**

There is hereby created a committee, to be known as the M/WBE advisory committee (hereinafter “committee”), which is charged with overall responsibility of continually reviewing the city’s M/WBE program and making periodic reports and recommendations to the mayor and city council regarding program enhancements. Additionally, the committee will evaluate good faith efforts on the part of contractors with whom the city has engaged to perform a city building construction project in excess of \$300,000 and make appropriate recommendations to the city council. Building construction projects include the erection, construction, alteration or repair of any building pursuant to N.C.G.S. 143-128.2. The city’s M/WBE participation goals apply to building construction projects for which the city receives State appropriations or other State grant funds of \$100,000 in accordance with N.C.G.S. 143-128.2.

**Sec. 2-290. – Membership; term of members; officers.**

The committee shall consist of eleven (11) members. The members of the committee will be appointed by the city council after recommendation by the mayor and will serve two (2) year terms. The advisory committee will choose from its number a chairman and vice-chairman to serve one (1) year terms in those offices. When making recommendations to the city council for committee members, the mayor will seek candidates who have personal or professional backgrounds in the following areas:

(1) Construction;

(2) Legal services;

(3) Financial services; and

(4) Experience with minority- and women-owned businesses

Recommended committee candidates are not required to have the above background/experience history. If the mayor identifies candidates that do not possess one or more of the four experience areas above, the mayor is free to recommend any candidate deemed suitable. Additionally, all members of the committee shall be residents of the city or maintain business ownership with a physical address within the city limits. Post office boxes do not constitute city residency or a physical business location. Members cannot be employees of the city.

**Sec. 2-291. - Consecutive terms.**

(a) No person may serve more than two consecutive terms on the committee. A person who has served two consecutive terms shall be eligible for appointment to a different board or

commission or for reappointment to the same board or commission after a lapse in service. For purposes of this section, service of less than 50 percent of a normal term shall not be deemed a term, and service for more than 50 percent shall be deemed a term.

(b) For purposes of subsection (a) the term "lapse in service" shall mean a period equal to one full term for reappointment to the same board or commission and a period of one year for appointment to a different board or commission. However, if the board and commission application process does not yield a sufficient pool of applicants from which to make an appointment or reappointment recommendation(s) consistent with the above lapse in service requirement, then the lapse in service requirement may be temporarily suspended for that appointment or reappointment provided all efforts to enhance the applicant pool have been sufficiently documented.

#### **Sec. 2-292. - Removal of members.**

Members of the committee shall serve at the pleasure of the city council, and may be removed by the city council. In order for the committee to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. If any member is absent for two (2) consecutive regular meetings, without excuse granted by the committee, the chair shall notify such member in writing of such member's absences, and if such member fails to attend the next regular meeting, the committee may, by majority vote of the remaining members, request that the position be vacated and a replacement be appointed by the city council. Committee members shall abide by the city's ethics policy. If it is determined that a committee 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 committee by the city council.

**Sec. 2-293. - Meetings.**

- (a) Generally. The committee shall establish its own meeting schedule but in no event shall meet less frequently than once a quarter. All meetings and hearings of the advisory committee shall be open to the public, and reasonable notice of the time and place thereof shall be given to the public in accordance with all applicable statutes regarding open meetings and public records.
- (b) Records. The committee shall maintain a record of member attendance, actions taken, findings, and recommendations.
- (c) Quorum and voting. A quorum to conduct business shall consist of at least six (6) members. Official action by the committee shall require a majority vote of those present and qualified to vote. The chairperson shall be entitled to vote.
- (d) Rules of procedure. The committee is authorized to adopt by-laws, rules, regulations and operating procedures necessary to conduct the affairs of the committee, provided the same are not inconsistent with the provisions of the codes of the city and state law.

**Sec. 2-294. - Staff support.**

Staff from the office of business inclusion and advancement will provide staff support to the committee.

Section 2:     Reserved. 2-295- 2-299.

Section 3:     This ordinance shall become effective upon adoption.