**BYLAWS OF THE**

**NORTH CAROLINA**

**SOIL AND WATER CONSERVATION COMMISSION**

**ARTICLE 1**

**Authority**

These procedures are adopted pursuant to the authority contained in N.C.G.S. §139-4 and §106-840, *et seq.*

**ARTICLE II**

**Purpose**

The purpose of the Soil and Water Conservation Commission (“Commission”) shall be to fulfill the duties prescribed for it in the General Statues of North Carolina, particularly those provided at N.C.G.S. §106-840, *et seq.*, §143-215.10A-G, and §106-850, *et seq.,* §106-860, §139-60, §139-65, and §139-7.2*.*

**ARTICLE III**

**Membership**

The membership of the Commission shall be set forth in N.C.G.S. §106-841.

**ARTICLE IV**

**Officers**

Pursuant to N.C.G.S. §106-842, the statutory officers of the Commission are a Chair and a Vice-Chair. The Chair is appointed by and serves at the pleasure of the Governor. The Vice-Chair is elected from the membership and serves for two years or until the expiration of his term, whichever is earlier. The Vice-Chair may serve successive terms.

**ARTICLE V**

**Meetings**

Section 1. The Commission shall meet at such time and places as may become necessary to discharge its statutory duties as set forth in the General Statutes. N.C.G.S. §106-843 requires a regular meeting at least once in each quarter, and allows special meetings at the call of the Chair or upon the written request of at least four (4) members. In addition, work sessions may be scheduled by the Commission Chair as needed.

Section 2. The Commission Chair may call such special meetings as he deems necessary; provided, timely written (by E-mail, letter or fax) notice in advance of all special meetings must be given to each and every member of the Commission.

Section 3. A majority of duly appointed members of the Commission shall constitute a quorum.

Section 4. Meetings of the Commission shall be open to the public; provided, the Commission may hold a closed session where allowed by N.C.G.S. §143-318.11

**ARTICLE VI**

**Records**

Section 1. Minutes and other records of all Commission meetings shall be kept under the direction of the Director of the Division of Soil and Water Conservation, said records to be supplemented, where possible, by electronic recording. Minutes shall be maintained for a period of five years and then filed with the Division of Archives and History.

**ARTICLE VII**

**Standard Order of Business**

The Commission adopts the following as its Standard Order of Business; provided that it may be altered by the Chair in his direction or upon a properly made motion and majority vote.

1. Preliminary Matters

a. Call to order

b. Invocation

c. Ethics Statement

d. Revisions or Additions to Agenda

e. Opening Remarks, Ceremonies or Presentations

1. Action Items
2. Informational Items
3. Concluding Remarks

a. Commission Members

b. Counsel

c. Chair

5. Adjournment

**ARTICLE VIII**

**Notice Requirements**

In accordance with the General Statutes of North Carolina, the Secretary of the Department of Environment and Natural Resources or an appropriate designee shall be responsible for the timely issuance of any applicable notices to those parties upon whom the right of legal notice of Commission meetings, hearings, decisions and official action is conferred.

**ARTICLE IX**

**Appearances Before the Commission**

Section 1. It is the intent of this Commission to receive and hear any person wishing to present items of business appropriate for consideration by the Commission. The Chair of the Commission is charged with the responsibility for evaluating all requests for appearance before the Commission for their appropriateness and timeliness for consideration and to assess the ability of the Commission to give full consideration to the item of business proposed if added to previously scheduled agenda items.

Section 2. It is the policy of this Commission that any Soil and Water Conservation District Supervisor wishing to appear before the Commission on District business will be heard at the next meeting of the Commission, provided fifteen (15) days written (by E-mail, letter or fax) advance notice including related subject matter is submitted by the Supervisor’s District to the Commission Clerk prior to the scheduled meeting of the Commission. This policy may be waived at any meeting by a majority vote of the Commission, but such waiver does not constitute an amendment of these Bylaws.

**ARTICLE X**

**Committees**

Section 1. The Chair of the Commission shall appoint such committees, standing or special, as he shall from time to time deem necessary. The Chair shall designate the Chair of each committee from among its members and shall be an ex officio member of all committees. A majority of duly appointed members of committees shall constitute a quorum.

Section 2. Duly appointed committees may adopt at their discretion any internal procedures necessary to the discharge of their business; provided, no procedures adopted by any committee shall be inconsistent with these procedures or any other rules adopted by the Commission, or with any statutes applicable to the Commission. The Chair of the committee shall report the committee’s recommendation.

**ARTICLE XI**

**Parliamentary Authority**

Section 1. The rules contained in the current edition of Robert’s Rules of Order shall govern the Commission in all meetings, where applicable and not inconsistent with these procedures and any special rules of order the Commission may adopt, or with any statutes applicable to the Commission.

Section 2. The Chair of the Commission and the Chair of any committee may or may not vote on any issue before the body over which that person is presiding. If a tie occurs, the motion fails.

**ARTICLE XII**

**Attendance**

Regular attendance at Commission meetings is a duty of each member. Commission members recognize that, pursuant to N.C.G.S. §143B-13(b)(vi), their membership becomes vacant by their ceasing to discharge the duties of their office over a period of three consecutive meetings except when prevented by sickness.

**ARTICLE XIII**

**Conflict of Interest**

Section 1. The Commission adopts by reference Executive Order No. 127 – North Carolina Board of Ethics, as issued by Governor James B. Hunt, Jr., on January 16, 1998, including any subsequent amendments or editions. The members of the Commission are bound by the standards and rules of conduct contained in the Executive Order, and the interpretations, evaluations and opinions of the North Carolina Board of Ethics.

Section 2. Members of the Commission must police themselves against actual conflicts of interest in the discharge of their statutory duties, and must every effort to avoid even the appearance of a conflict of interest. In circumstances involving actual conflicts of interest,

the member must immediately discontinue any involvement in the matter including discussions of it with other members of the commission or staff. Members who disqualify themselves for actual conflict of interest must announce their decision at a meeting of the Commission. While a member may not participate in the Commission’s consideration of a matter involving the commissioners, his family, or an individual or business with whom he is associated, the member may present the matter to the Commission on his own behalf should he decide to do so.

Section 3. Members of the Commission have dual roles in that they are almost always also members of the boards of soil and water conversation districts across the State. Frequently, the districts have business before the Commission. In matters originating from their home district, a member may participate in the Commission’s consideration so long as the matter does not involve him personally, his family or an individual or business with whom he is associated.

**ARTICLE XIV**

**Amendments**

These Bylaws may be amended at any regular or special meeting of the Commission by vote as follows: three (3) of four (4) members present; four (4) of five (5) members present; four (4) of six (6) members present; and five (5) of seven (7) members present. A written copy of the proposed amendment must be provided to each member at least five (5) days prior to the adoption of the amendment.

Effective: March 12, 2025

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Barbara Bleiweis, Chair

Soil and Water Conservation Commission