

DRAFT – For Review November 1, 2023

INTERNAL OPERATING PROCEDURES  
OF THE COASTAL RESOURCES COMMISSION OF NORTH CAROLINA

**Article I – Purpose**

The purpose of the Commission shall be to fulfill the duties prescribed for it in Article 7, Chapter 113A, of the General Statutes of North Carolina.

**Article II – Membership**

The membership of this Commission shall be as set forth in North Carolina General Statute 113A-104

**Article III – Officers and Executive Secretary**

**Section 1.** Officers of this Commission shall include a chairperson, Vice Chairperson, and Second Vice Chairperson.

(a). Pursuant to G.S. 113A-104(i), the Chairperson shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of their regularly appointed term.

(b). Pursuant to G.S. 113A-104(i), the Vice Chairperson shall be elected from and by members of the Commission and shall serve for a term of two years or until the expiration of the Vice-Chairperson's regularly appointed term.

(c). The Second Vice Chairperson shall be elected from and by members of the Commission and shall serve for a term of one year or until the expiration of the Second Vice- Chairperson's regularly appointed term.

**Section 2.** The Secretary of the Department of Environment and Natural Resources Environmental Quality is hereby authorized to appoint a qualified employee of the State of North Carolina to serve as Executive Secretary for the Commission. Duties of the Executive Secretary shall include any services the Commission may deem necessary and proper; but in any case, such duties shall include the responsibility for secretarial and clerical functions incident to the proper and expeditious conduct of the Commission's business together with those duties prescribed by G.S. 113A-122(b). In addition, the Chairperson may designate as he or she sees fit, any member(s) of the Commission, or employee(s) of the Department of Environment and Natural Resources to serve as parliamentarian or in such other special capacity as may from time to time be required for the orderly conduct of the Commission's business.

## Article IV – Meetings

**Section 1.** The Commission shall meet at such times and places as necessary to discharge its statutory duties as set forth in Chapter 113A, Article 7, North Carolina General Statutes. The Chairperson shall set the dates and locations of regular meetings. Notice shall be provided to all members at least 20 days prior to each regular meeting.

**Section 2.** The Commission Chairperson may call special meetings if he or she determines it is necessary. Timely notice in advance of all special meetings must be given to each member of the Commission in accordance with the requirements of the North Carolina General Statutes. This notice requirement may be adequately discharged by mailings to the members of the Commission at their last known places of residences or by forwarding notice to the designated email address for each member of the Commission.

**Section 3.** A majority of ~~duly qualified members of the Coastal Resources the~~ Commission shall constitute a quorum.

**Section 4.** Meetings of the Coastal Resources Commission shall be open to the public; provided, the Commission may hold executive sessions ~~as where~~ allowed by G.S. 143-318.11.

**Section 5.** Each regular meeting may include public comment from any member of the public in attendance. Comments shall be limited to subjects falling within the jurisdiction of the Commission. Public comment shall not be directed to any quasi-judicial matter which is pending before the Commission. The chair will first recognize individuals or groups who have signed up to be heard and then may recognize others subject to the time available. The Chair may specify the time allotted to each speaker. If remarks are made that stray from the business of the Authority, exceed time constraints, or are beyond reasonable standards of courtesy, comments can be halted by the Chair or by motion.

**Section 6.** Official meetings of the Coastal Resources Commission may take place by conference telephone or other electronic means as allowed by G.S. 143-318 for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body.

## **Article V – Record**

**Section 1.** Minutes and other records of all Commission meetings shall be collected and maintained under the direction of the Executive Secretary, and be supplemented, where possible, by electronic recording.

**Section 2.** The Executive Secretary shall be responsible for filing all rules of the Commission in proper form as required by Chapter 150B of the North Carolina General Statutes.

## **Article VI – Standard Order of Business**

The Coastal Resources Commission adopts the following as its Standard Order of Business; provided, that the order of business may be altered by the Chairperson in his or her discretion, by request from the Executive Committee, or by motion made by any member of the Commission in order to more efficiently carry out the Commission's business or for the convenience of the public:

1. Call to order by Chairperson.
2. Ethics statement and members' disclosure of conflicts of interest
3. Roll call of Commissioners in attendance.
4. Approval of minutes of previous meeting.
5. Opening remarks or ceremonies.
6. Reports from Executive Secretary.
7. Reports from Chairperson of the Commission and CRAC Chairperson.
8. Discussion of matters relating to operation and procedures of the Commission.
9. Consideration of appeals, variance and rulemaking petitions, and declaratory rulings.
10. Comments from the public.
11. Direction by Chairperson to break into working committees, standing or special, to pursue the business of the Commission.
12. Action items
13. Public presentations by special speakers.
14. Public hearings.
15. Consideration of old and new business
16. Announcements.
17. Adjournment

## **Article VII – Notice Requirements**

**Section 1.** In accordance with G.S. 113A, Article 7, the Secretary of the Department of Environment and Natural Resources Environmental Quality or an appropriate designee shall be responsible for the timely issuance to those parties upon which G.S. 113A, Article 7, confers the right of legal notice of Commission hearings, meetings, decisions, and official actions.

**Section 2.** The Commission may adopt special notice procedures as it deems necessary, subject to the requirements of G.S. Chapter 113A, Article 7.

## **Article VIII – Committees**

**Section 1.** The Chairperson of the Commission shall appoint such committees, standing or special, as the Chairperson and Commission shall from time to time deem necessary. The Chairperson shall designate the Chairperson of each committee from among its members and shall be an ex officio member of all committees.

**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.

**Section 3.** The Commission shall have an Executive Committee composed of the Commission Chairperson, the Commission Vice Chairperson and three additional members of the Commission. The three additional members appointed to the Executive Committee shall be selected by the Chairperson and shall represent the northern and southern CAMA counties as well as that area within the CAMA counties which includes inland waterways. The Chairperson of the Commission shall be Chairperson of the Executive Committee and the Vice Chairperson of the Commission shall be Vice Chairperson of the Executive Committee. The Chairperson of the Coastal Resources Advisory Council and the Commission's Executive Secretary shall be ex officio members of the Executive Committee. The Executive Committee shall carry out such administrative functions as the Chairperson may direct or such other functions as the Commission may direct. The Executive Committee may make recommendations to the full Commission on any matters it deems relevant to the Commission's work.

## **Article IX – Parliamentary Authority**

**Section 1.** The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Commission in all cases to which they are applicable and in which they are not inconsistent with these procedures and any special rules of order the Commission may adopt, or with any statutes or rules applicable to the Commission.

**Section 2.** To the extent that the rules contained in the current edition of Robert's Rules of order Newly Revised conflict with any rules, regulations, or quasi-judicial procedure adopted by the Commission which establish special rules of procedure for certain meetings or types of meetings, the Commission's specifically adopted procedures shall be controlling.

## **Article X – Attendance**

As directed by the General Assembly in G.S. 113A-104(l), regular attendance at Commission meetings is a duty of each member. Pursuant to this legislation the Commission may declare vacant any seat for which a member misses three consecutive meetings or fails to attend at least sixty percent of the meetings during any twelve-month period. Under extraordinary conditions the Chairperson has the authority to waive the attendance requirements. The Chairperson shall provide notice of this policy to any member who misses two consecutive meetings or who appears likely to fail to attend at least sixty percent of the meetings during any twelve-month period.

## **Article XI – Hearings**

**Section 1.** For any Commission hearing, including public hearings on state guideline adoption and amendments pursuant to G.S. 113A-107, hearings on designation of areas of environmental concern pursuant to G.S. 113A-115, hearings regarding local land use plans and local implementation and enforcement programs, and any other hearings conducted by the Commission in carrying out its duties under the Coastal Area Management Act, dredge and fill law, and the Administrative Procedure Act, the Chairperson may at his or her discretion appoint any Commission member or members or appropriate qualified employees of the Department of Environment and Natural Resources to serve as hearing officer. The hearing officer shall report the record of the hearing to the Commission prior to action on the matter that was the subject of the hearing.

**Section 2.** In appointing hearing officers, the Chairperson shall consider the geographic location of the hearing, the technical complexity of the matter being

considered, the public interest in the matter and the necessity of impartiality on the part of the hearing officer or reporting member.

**Section 3.** Final decisions on all issues before the Commission, including but not limited to variances, rule-making and declaratory rulings, shall be by majority vote. In the event the Chairperson excuses himself or herself from participation in a final decision due to an actual or potential conflict of interest, the Vice-Chairperson shall serve as presiding officer.

### **Article XII – Conflict of Interest**

The State Government Ethics Act, North Carolina General Statutes at Chapter 138A, sets forth the ethical standards applicable to the Coastal Resources Commission. In addition, any ethics opinions issued before the enactment of the State Government Ethics Act or advisory opinions issued by the State Ethics Commission after 2006 may be applicable to actions taken by the Coastal Resources Commission.

### **Article XIII – CRAC Appointments**

The Commission shall appoint the twenty (20) members of the Coastal Resources Advisory Council (CRAC) by majority vote of the Commission. Appointments should be made for an initial term in accordance with § 113A-105 of the Coastal Area Management Act. Members may be reappointed at the discretion of the Commission. The Executive Secretary may, at least 45 days prior to the appointment, notify the CAMA counties and coastal cities that the Commission will be making appointments to the CRAC and solicit recommendations. If any council member appointed by the Commission is unable to serve their full term, the Commission may establish appropriate procedures to select a person to serve the unexpired portion of that term or may consider other nominations received within the preceding nominating period. The Commission may replace any CRAC member who fails to regularly attend CRAC meetings.

### **Article XIV – Amendments**

These procedures may be amended at any regular meeting of the Commission by a vote of sixty percent of the duly qualified Commission members; provided that a written copy of the amendments has been mailed to each Commission member at least seven days prior to the adoption of the amendment or otherwise has been made available to each Commission member at least five days prior to the adoption of the amendment.

## **Article XV – Voting**

**Section 1.** Except as otherwise specifically provided by other Articles of these Procedures, all Commission members shall be entitled to make motions, second, and vote on all matters coming before the Commission. The Chairperson may vote on all issues before the Commission.

**Section 2.** If there is a tie vote on a motion, the motion fails.

**Section 3.** The Executive Secretary shall record in the minutes each member's vote on all final decisions including but not limited to final decisions on variances, rule adoption, repeals, and amendments. Votes shall be recorded on any other matters when so requested by any member.

**Section 4.** Motions to call the previous question or otherwise limit debate shall be considered extraordinary measures and shall require the affirmative vote of three-fourths of those members present and voting.

## **Article XVI – Settlements and Other Decisions Related to CRC/CAMA Litigation**

The Commission members of the Executive Committee are authorized to act on behalf of the full Commission to settle cases or decide whether to recommend an appeal in cases in which the Commission is a party pursuant to 15A NCAC 7J.0312(c).

Amended effective November 9, 2023

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M. Renee Cahoon, Chair