



**RESOLUTION TITLE: GASTON COUNTY ENVIRONMENTAL REVIEW BOARD
ADOPTION OF GASTON COUNTY ENVIRONMENTAL
REVIEW BOARD BY-LAWS**

WHEREAS, the Gaston County Board of Commissioners directed a review of the Soil Erosion and Sedimentation Control Program at its meeting held on June 10, 2010; and

WHEREAS, Stakeholders groups met and recommended changes to the By-Laws of the Environmental Review Board; and,

WHEREAS, the attached By-Laws have incorporated the recommended changes.

NOW, THEREFORE BE IT RESOLVED that the Gaston County Board of Commissioners adopts the By-Laws as attached and authorizes the Natural Resources Department reestablish and fill one Natural Resources Conservationist position.

DO NOT TYPE BELOW THIS LINE

I, Martha M. Jordan, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO. DATE M1 M2 CARPENTER PHILBECK KEIGHER LOFTIS PRICE TORRETT FRALEY VOTE

2010-269 9/23/2010 TP DL

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A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS



Gaston County Environmental Review Board

Administrative Offices: Gaston County Natural Resources Department
1303 Cherryville Highway, Dallas, N.C. — Citizens Resource Center
Department Telephone: 704-922-4181 Fax: 704-922-2158

Contact: Joseph D. Alm, Stormwater Administrator
E-mail: joseph.alm@co.gaston.nc.us Desk Phone: 704-922-2157

BY-LAWS OF THE GASTON COUNTY ENVIRONMENTAL REVIEW BOARD

ARTICLE I — NAME

The name of this board shall be the Gaston County Environmental Review Board (GCERB) as created by Section 19 a. of the Gaston County Soil Erosion and Sedimentation Control Ordinance and NCGS Chapter 113A, Article 4, Resolution 2002-343, dated November 14, 2002.

ARTICLE II — PURPOSE

The Environmental Review Board is created to review and recommend to the Gaston County Board of Commissioners soil erosion and sedimentation control policies, policy changes and plan review fees. The recommendations are to provide consistent guidelines and principles for a comprehensive soil erosion and sedimentation control program in Gaston County

ARTICLE III — DUTIES

Acting under the authority delegated by the Gaston County Board of Commissioners, the Gaston County Environmental Review Board shall:

- **Fees.** Make fee recommendations and changes to the Gaston County Board of Commissioners for the review of soil erosion and sedimentation control plans.
- **Appeals.** Hear appeals and reach decisions on:
 - a. any Soil Erosion and Sedimentation Control Plan denied, disapproved or modified by the Gaston County Natural Resources Department as provided for in the Gaston County Soil Erosion and Sedimentation Control Ordinance.
 - b. Hear requests for changes from County staff and from private parties, and make recommendations to the Gaston County Board of Commissioners on the following matters: the application, modification, and enforcement of soil erosion and sedimentation control policies.

These policies should be reviewed and evaluated on the basis of a comprehensive soil erosion and sedimentation control program in Gaston County.
 - c. Appeals of plan reviews shall entitle the person submitting the Plan to a hearing conducted by the Environmental Review Board.
 - d. If the Environmental Review Board upholds the disapproval or modification of a proposed Soil Erosion and Sedimentation Control Plan following the hearing, the person submitting the Plan shall then be entitled to appeal the local government's decision to the North Carolina Sedimentation Control Commission.
- **Civil Penalties.** Appeals of civil penalties from the Environmental Review Board must be filed with the Superior Court within thirty (30) days from the date of the decision. Decisions by the Superior Court will be in the manner of certiorari.
- **Commissions and Staff Resource.** Respond to the Gaston County Board of Commissioners and staff requests for advice on matters related to the comprehensive soil erosion and sedimentation control program in Gaston County.
- **Reporting.** Present to the Gaston County Board of Commissioners an annual report of key actions and issues.

ARTICLE IV — MEMBERS

Section I — Number and Qualifications: The Gaston County Environmental Review Board shall be established with representatives of the following categories:

- Municipal citizen — 1 member (individual to be full-time resident of any of the participating fifteen (15) municipalities in Gaston County);
- Township citizen — 1 member (individual to be full-time resident of any of the participating six (6) townships in Gaston County);
- Developer in land development from Gaston County Home Builders Association — 1 member (individual to be a member of the Gaston County Home Builders Association, employed full time in land development or the design of buildings or land improvements);
- Land graders or developers — 2 members nominated by the Gaston County Home Builders Association (individual to be employed full time in the land development, land grading, or other similar business)
- Soil and Water Conservation District — 1 member (individual to be Chairman, Board or Associate Member of the Gaston County Soil and Water Conservation District);
- Gaston County Quality of Natural Resources Commission — 1 member (individual to be Chairman or member of the Gaston County Quality of Natural Resources Commission);
- Gaston County Chamber of Commerce — 1 member (individual to be Chairman or member of the Gaston County Chamber of Commerce);
- Professional Engineer — 1 member (individual to be certified engineer registered under the provisions of Chapter 89C of the General Statutes of North Carolina, and resident of Gaston County);

Section 2 — Terms and Appointments: All appointments to the Gaston County Environmental Review Board are made by the Gaston County Board of Commissioners.

- Nominations for township and municipal appointments are made by the Commissioner serving from the township and municipality, with appointment by the full Board of Commissioners. A township and municipality may not make another appointment until all participating townships and municipalities have had an opportunity to make an appointment. A township and municipality may defer appointment to the next township and municipality.
- Nominations for the Gaston County Home Builders Association, Gaston County Soil and Water Conservation District, Gaston County Quality of Natural Resources Commission and Gaston County Chamber of Commerce positions are made by the respective board of the organization, with appointment made by the Gaston County Board of Commissioners. The nomination shall be sent by letter to the Clerk of the Gaston County Board of Commissioners.

- Nominations for land graders/developers shall be made by the Gaston County Home Builders Association, with appointment made by the Gaston County Board of Commissioners. The nomination shall be sent by letter to the Clerk of the Gaston County Board of Commissioners.
- Nominations for the Professional Engineer appointment are made by the Commissioner representing the position for the Environmental Review Board with appointment by the full Board of Commissioners.
- Township, municipal and Professional Engineer appointees serve a three (3) year term.
- The Home Builders Association, Soil and Water Conservation District, Quality of Natural Resources Commission and Gaston County Chamber of Commerce appointees serve a three (3) year term.
- Should a vacancy occur during a term of office, the Chairman of the Gaston County Environmental Review Board shall notify the Board of Commissioners, in accordance with their current policy for filling appointment, requesting appointment of a person to fill the vacant position. The new appointment shall be appointed to fill the unexpired term of the vacancy, and then would be eligible for reappointment to the Board.

ARTICLE V — OFFICERS

Section 1 — Officers Defined: The officers of the Gaston County Environmental Review Board shall consist of a Chairman and a Vice Chairman elected by the members of the Environmental Review Board from its membership. The Natural Resources Director or designee shall serve as the Recording Secretary for the Environmental Review Board.

Section 2 — Duties: The Chairman shall call and preside at all meetings and public hearings of the Environmental Review Board; shall decide on all matters of order and procedure; shall speak for the Board regarding Board actions, policies and recommendations; shall appoint any committees found necessary to investigate any matters before the Environmental Review Board or to perform any of its duties; shall authorize special meetings of the Board and shall have authority to cancel regular meetings pending no business to be considered.

The Vice Chairman shall, in the absence of the Chairman, assume the duties of the Chairman and perform other duties delegated by the Chairman.

The Recording Secretary shall maintain a copy of the official minutes of the Environmental Review Board, which are public record and open to public inspection in accordance with the Open Meeting Law and County Policy. In addition, the Recording Secretary or appropriate staff shall send out mail notices of regular meetings of the Environmental Review Board within a reasonable time

in advance of the meetings, shall give forty-eight (48) hours phone notice of special meetings; carry on routine correspondence and maintain the files of the Environmental Review Board; shall maintain, as a part of the project files, all studies, plans, reports and recommendations provided to the Environmental Review Board as evidence in a matter, along with actions made by the Environmental Review Board in the discharge of its duties and responsibilities.

Section 3 — Other Duties and Responsibilities: To be implemented for the enforcement of the Soil Erosion and Sedimentation Control Ordinance and additional duties as directed by the Gaston County Board of Commissioners.

Section 4 — Elections: The Chairman and Vice Chairman shall be elected at the first meeting of the Environmental Review Board and annually thereafter.

ARTICLE VI — MEETINGS

Section 1 — Regular Meetings: Regular meetings shall be held on the third Wednesday of each month at noon in the Gaston County Citizens Resource Center located on the Dallas-Cherryville Highway in Dallas, N. C. The meeting date, time and/or location may be changed at the direction of the Chair or Board provided that meetings may be held at any other convenient place in the Gaston County area and notice is given by the Secretary in accordance with applicable laws and policies of the County for meeting notification. Each member shall be notified of each meeting by the Secretary to the Board.

Section 2 — Special Meetings: Special meetings of the Board may be called at any time by the Chair, or the Vice-Chair, serving in capacity of the Chair. Notice shall be given at least forty-eight (48) hours in advance of the meeting, stating the time, place and purpose of the meeting to each member of the Board and sunshine list notification requirements under State and local laws, policies or ordinances.

Section 3 — Cancellation of Meetings: Whenever there is no business for the Environmental Review Board, the Chairman may dispense with a regular meeting by giving notice to all members not less than forty-eight (48) hours prior to the time set for the meeting, and sunshine list notification requirements under State and local laws, policies or ordinances.

Section 4 — Recess of Meeting to Time, Place Certain: In the event the Environmental Review Board finds it necessary to continue a meeting to complete the agenda, the Board may Recess the Meeting to a time and place certain. This Recessed Meeting shall only consider items that were on the original agenda or a continuation of an agenda item. No new business shall be conducted during a Recessed Meeting. Recessed Meeting notification shall follow the State and Gaston County Policy for Open Meetings Law.

Section 5 — Quorums: Unless otherwise required by Federal, State or local ordinance, law or policies, the quorum shall be a simple majority of the voting

members of the Gaston County Environmental Review Board. At any time when the membership is less than the required quorum, the Board shall not be able to conduct business or take action. Items not considered by the Board shall be carried over to the next regularly scheduled meeting, or to a special meeting scheduled under this policy.

Section 6 — Vote: Unless otherwise specified by Federal, State, or local law, ordinance or policy, matters will be determined by a simple majority of the voting members present at the meeting, provided that a quorum has been maintained.

Section 7 — Attendance: Each member shall be expected to attend all regular meetings. Per Resolution 95-62 adopted February 23, 1995, any member of a Commission appointed board or committee shall be removed from office if, in a calendar year, he/she:

- a. is absent (excused or un-excused) from three (3) consecutive board/committee meetings, or
- b. is absent (excused or un-excused) from three (3) consecutive related sub-committee meetings, or
- c. has less than a sixty (60%) percent attendance record (including excused absences) at board/committee meetings, or
- d. has less than a sixty (60%) percent attendance record (including excused absences) at related sub-committee meetings.

Section 8 — Conflict of Interest: Should any member of the Board be financially or otherwise closely associated with any issue that comes before the Board, said member shall make public said possible conflict, the nature of the conflict, and ask for a determination by the Board. A majority vote of those voting members without such conflict shall determine if said conflict does exist, and should a conflict exist, the Board shall grant the member removal from the discussion or vote on issue involved. A member of the Board may raise the question of conflict of interest of another member regarding a specific issue that is before the Board. Similarly, any interested party may challenge the existence of a conflict of interest or ask for the determination of an undisclosed conflict of interest.

Section 9 — Open Meetings: The meetings of the Gaston County Environmental Review Board shall be open to the public in accordance with the laws of the State of North Carolina.

Section 10 — Conduct of Meetings: All meetings shall be open and accessible to the general public. The Board may change the order of the agenda items during the meeting and/or add/delete agenda items as it deems necessary. *Robert's Rules of Order, Newly Revised*, where not inconsistent with these By-Laws, shall govern the procedures for meetings of the Environmental Review Board. The order of business at regular meetings shall be as follows:

- a. Call to order
- b. Determination of Quorum
- c. Approval of Minutes of Previous Meeting(s)

- d. Hearing of Appeals
- e. Consideration and Determination of Appeals Heard
- f. Reports of Committees
- g. Other Business
- h. Adjourn

ARTICLE VII — COMMITTEES

The Gaston County Environmental Review Board may establish as many sub-committees or ad-hoc committees as may be deemed necessary to carry out the goals and objectives.

ARTICLE VIII — AMENDMENTS

Changes or amendments to the By-Laws of the Gaston County Environmental Review Board shall require an affirmative vote of three-fourths (3/4) of the voting members of the Board. Upon change in the By-Laws of the Environmental Review Board, notice shall be provided to the Clerk of the Board of Commissioners. Proposed changes in the By-Laws shall be presented at a regular meeting or work session of the Gaston County Environmental Review Board, and shall be acted upon no sooner than the first regular meeting subsequent to meeting in which said changes were presented.

ARTICLE IX — RATIFICATION PROVISION

These By-Laws were duly adopted by a majority of the members of the Gaston County Environmental Review Board this ____ day of _____,

Chairman, Environmental Review Board _____ Date

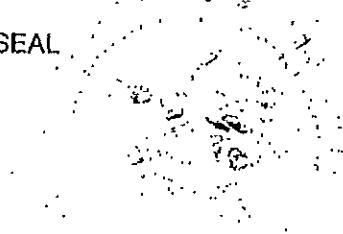
I, Joseph Alm, Stormwater Administrator for the Gaston County Natural Resources Department do hereby certify that the above is a true and accurate copy of the By-Laws of the Gaston County Environmental Review Board as approved on the ____ day of _____, 2010.

Joseph Alm _____ Date

Certification

I, Martha M. Jordan, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above is a true and accurate copy of the Gaston County Environmental Review Board By-laws as adopted by the Board of Commissioners on September 23, 2010.

SEAL



Martha M. Jordan

Martha M. Jordan, Clerk