

Roanoke River Basin Bi-State Commission

By-Laws

Article 1 - Organization

1. Name

The name of the organization shall be the Roanoke River Basin Bi-State Commission, and may hereinafter be called the "Commission."

2. Purpose

The purpose of the Commission shall be:

Provide guidance, conduct joint meetings, and make recommendations to local, state, and federal legislative and administrative bodies, and to others as it deems necessary and appropriate, regarding the use, stewardship, and enhancement of the Basin's water and other natural resources;

Provide a forum for discussion of issues affecting the Basin's water quantity, water quality, and other natural resources;

Promote communication, coordination, and education among stakeholders within the Basin;

Identify Basin-related problems and recommend appropriate solutions; and

Undertake studies and prepare, publish, and disseminate information through reports, and other communications, related to water quantity, water quality, and other natural resources of the Basin.

3. Powers and Duties

The Commission shall have no regulatory authority.

To perform its duties and objectives, the Commission shall have the power to:

Develop rules and procedures for the conduct of its business or as may be necessary to perform its duties and carry out its objectives, including, but not limited to, selecting a chairman and vice-chairman, rotating chairmanships, calling meetings, and establishing voting procedures;

Rules and procedures developed pursuant to this subdivision shall be effective upon an affirmative vote by a majority of the Commission members;

Establish standing and ad hoc advisory committees, which shall be constituted in a manner to ensure a balance between recognized interests. The purpose of each advisory committee shall be determined by the Commission;

Seek, apply for, accept and expend gifts, grants and donations, services and other aid from public or private sources. With the exception of funds provided by the planning district commission and funds appropriated by the General Assemblies of Virginia and North Carolina, the Commission may accept funds only after an affirmative vote by a majority of the members of the Commission or by following such other procedures as may be established by the Commission for conduct of its business;

Establish a nonprofit corporation to assist in the details of administering its affairs and in raising funds;

Enter into contracts and execute all instruments necessary or appropriate; and

Perform any lawful acts necessary or appropriate for the furtherance of its work.

4. Membership; Terms

The Commission shall be composed of 18 voting members, nine representing the State of North Carolina and nine representing the Commonwealth of Virginia. Representation on the Commission shall be as determined by the respective General Assemblies of the State and Commonwealth.

The North Carolina delegation shall consist of the six legislative members appointed to the North Carolina Roanoke River Basin Advisory Committee, and three non-legislative members appointed to the North Carolina Roanoke River Basin Advisory Committee who represent different geographical areas of the North Carolina portion of the Roanoke River Basin, to be appointed by the Governor of North Carolina.

The Virginia delegation shall consist of the six legislative members appointed to the Virginia Roanoke River Basin Advisory Committee, and three non-legislative members appointed to the Virginia Roanoke River Basin Advisory Committee who represent different geographical areas of the Virginia portion of the Roanoke River Basin, to be appointed by the Governor of Virginia.

All members appointed to the Commission by the Commonwealth of Virginia and the State of North Carolina shall reside within the Basin's watershed.

Members of the Virginia House of Delegates and the Senate of Virginia, the North Carolina House of Representatives and Senate, and federal legislators, who have not been appointed to the Commission and whose districts include any portion of the Basin, shall serve as non-voting ex officio members of the Commission.

Legislative members of the Virginia delegation, federal legislators, and local government officials, whether appointed or ex officio, shall serve terms coincident with their terms of office.

In North Carolina, non-legislative citizen members serve at the pleasure of the Governor of North Carolina.

In Virginia, non-legislative citizen members shall be appointed to serve two-year terms.

Each state's delegation to the Commission may meet separately to discuss Basin-related issues affecting their state, and may report their findings independently of the Commission.

A majority of all voting members shall constitute a quorum.

Article 2 –Officers; Election; Voting

1. Election of Chair

The Commission shall appoint by majority vote of the members a Chair to set meeting agendas, sign documents on behalf of the committee, make committee assignments, and conduct meetings. The office of Chair will rotate between Virginia and North Carolina. When the Chair is from North Carolina, the 1st Vice-Chair shall be from Virginia and the 2nd Vice-Chair shall be from North Carolina. When the Chair is from Virginia, the 1st Vice-Chair shall be from North Carolina and the 2nd Vice-Chair shall be from Virginia.

2. Election of Two Vice-Chairs

The Commission shall appoint by majority vote of the members a 1st Vice-Chair and a 2nd Vice-Chair to act in the Chair's stead in the event the Chair is unavailable for a particular meeting or event. When the Chair is from North Carolina, the 1st Vice-Chair shall be from Virginia and the 2nd Vice-Chair shall be from North Carolina. When the Chair is from Virginia, the 1st Vice-Chair shall be from North Carolina and the 2nd Vice-Chair shall be from Virginia.

3. Succession of Officers

The Chair and Vice-Chairs shall serve one-year terms. The 1st Vice-Chair shall succeed the Chair and the 2nd Vice-Chair shall succeed the 1st Vice-Chair.

In the event that the Chair is removed from the Commission before the end of term, resigns, or is otherwise unable to perform the duties of Chair before the end of a specified term, the 1st Vice-Chair shall be appointed chair upon a majority vote of the Commission if the remaining term of the Chair is more than six months. If the remaining term of Chair is less than six months, a new Chair from the state of the outgoing Chair shall be selected by majority vote of the Commission.

In the event that either Vice-Chair is removed from the Commission before the end of term, resigns, or is unable to perform the duties of Vice-Chair before the end of a specified term, the Chair shall nominate another Vice-Chair from the state of the Vice-Chair leaving office for majority vote of the Commission.

While not required, it is the intent of the Commission members that the Chair and Vice-Chairs represent the geographic diversity of the Basin.

4. Voting

Official action by the Commission may be conducted by electronic media, including email and conference calls, when deemed to be in the best interest of the Commission and the Roanoke River Basin. Electronic voting will only be used if there is an issue that requires action prior to the next meeting and electronic voting is requested by any Commission member. This may also include following a meeting at which 1) action is needed and 2) a quorum was not present at the duly called meeting. Should electronic voting be used, Commission members will be allowed 10 business days to respond, which shall be stated in communication to Commission members.

Article 3 - Committees

The Commission shall establish both standing committees and ad hoc committees to facilitate communication among stakeholders in the Roanoke River Basin and to maximize participation by all interested parties.

The Commission shall appoint the members of the standing committees and ad hoc committees in accordance with guidelines adopted by the Commission. Membership on the standing committees shall include, but not be limited to:

Permit Holders: The Commission shall identify those entities that hold permits issued by a federal, state, or local regulatory agency pertaining to the water of the Basin. Such entities may recommend a representative to be appointed to the committee by the Commission;

Roanoke River Basin interest groups: The Commission shall identify interest groups that may recommend a representative to be appointed to the committee by the Commission;

Public officials and government entities: The committee shall be composed of representatives of each county, city, and town located completely or partially within the Basin, and any other governmental entities that the Commission deems appropriate may recommend one member to be appointed to the committee by the Commission. The committee may also include the U. S. Senators from Virginia and North Carolina or their designees, and any member of the U. S. House of Representatives or his designee, whose district includes any portion of the Basin, if such members elect to serve on the committee; and

Agriculture, forestry, and soil and water conservation districts: The Commission shall identify persons who represent agricultural and forestry interests throughout the Basin and representatives from the soil and water conservation districts within the Basin and shall appoint representatives from these groups to the committee.

Article 4 - Staffing and Support

The Virginia Department of Environmental Quality and the North Carolina Department of Environment and Natural Resources shall provide staff support to the Commission. Additional staff may be hired or contracted by the Commission through

funds raised by or provided to it. The duties and compensation of such additional staff shall be determined and fixed by the Commission within available resources.

All agencies of the Commonwealth of Virginia and the State of North Carolina shall cooperate with the Commission and, upon request, shall assist the Commission in fulfilling its responsibilities. The Virginia Secretary of Natural Resources and the North Carolina Secretary of the Department of Environment and Natural Resources or their designees shall each serve as the liaison between their respective state agencies and the Commission.

Article 5 - Funding

The Commission shall annually adopt a budget, which shall include the Commission's estimated expenses. Funding for the Commission shall be shared and apportioned between the Commonwealth of Virginia and the State of North Carolina.

The appropriation of public funds to the Commission shall be provided through each state's regular process for appropriating public funds. The Virginia planning district commissions within the Basin shall bear a proportion of Virginia's share of the expenses, which may be in the form of in-kind contributions.

Article 6 – Amendments

These By Laws may be changed by a recorded majority vote of the membership of the Commission.

Notice of proposed amendments to these By Laws shall be emailed to every Commission member, stating the section(s) to be amended, and quoting the proposed amendment, not less than ten (10) day prior to the meeting at which the vote upon the proposed amendment is to be taken. Commission members may request hard copies to be mailed to them.