

AGRICULTURAL PRESERVATION BOARD POLICIES AND PROCEDURES

SECTION I: SCOPE

A. Purpose

1. To establish a policy and procedures whereby the Orange County Board of Commissioners will establish the specific policies and procedures governing the Agricultural Preservation Board.
2. The Orange County Board of Commissioners may appoint an advisory board whose duty is to serve in an advisory capacity to recommend programs, studies, Voluntary Agricultural Districts and other emerging issues or topics of interest concerning agriculture and agricultural preservation.

B. Authority

1. North Carolina General Statute 153A-76 grants boards of county commissioners the authority to establish advisory boards.
2. Chapter 106, Article 61 of the North Carolina General Statutes governing preservation of farmland.
3. Chapter 48 of the Orange County Code of Ordinances ("COO").
4. The Orange County Advisory Board Policy serves as the underlying policy document to which the Agricultural Preservation Board, in addition to this policy and procedure document, is subject. The Orange County Advisory Board Policy is attached hereto as "Exhibit A".
5. In the event that there is a conflict between Chapter 48 of the COO, the Orange County Advisory Board Policy, and this Policies and Procedures document this Policies priority shall be as follows; Chapter 48 of the COO, this Policies and Procedures document, the Orange County Advisory Board Policy.

C. Charge

1. The charge of the Agricultural Preservation Board is as follows:
It is the expressed policy of Orange County and the Agricultural Preservation Board to conserve, protect and encourage the preservation and improvement of agricultural land within the County boundaries as a critical component of the County's cultural and rural character and its economy by virtue of the production of food, fiber and other products. (COO, Chapter 48-3)

SECTION II: GOALS AND OBJECTIVES

A. Goals

1. The Agricultural Preservation Board shall work to:
 - i. reduce the loss of productive and existing farmland by promoting agricultural values and general welfare of the County,
 - ii. recognize the existence of important farmlands by seeking to minimize risks of nuisance suits that arise from the onset of other land uses,
 - iii. encourage participation in voluntary programs to preserve and protect farmland from non-farm development, and
 - iv. increase identity and awareness of the agricultural community, and its role in the economic and cultural quality of life for all County residents.

B. Objectives

1. The Agricultural Preservation Board shall undertake the following objectives toward these goals:
 - i. Develop recommendations for implementation of the Voluntary Agricultural Districts and Enhanced Voluntary Agricultural Districts programs, including making recommendations for approval of farms applying for designation in Agricultural Districts;
 - ii. certify qualifying farmland for such Districts as defined in the Voluntary Farmland Protection Program Ordinance (COO, Section 48-7);
 - iii. review and make recommendations concerning amendments to this ordinance;
 - iv. develop public education programs and materials to promote agriculture and agricultural preservation; review and approve the form of the agreement for Voluntary Agricultural Districts;
 - v. conduct public hearings and hold joint public hearings with the Board of County Commissioners on public projects likely to have an impact on agricultural operations within Orange County; consider appeals to decisions on Voluntary Agricultural Districts (as provided in COO, Chapter 48-8);
 - vi. hold public hearings if action is taken to condemn any certified farms and qualifying farmland (Chapter 48-11);
 - vii. advise the Board of County Commissioners on projects, programs or issues likely to have an impact on the agricultural economy or activities within the County that will affect Agricultural Districts; develop studies, plans and reports as directed by the Board of Commissioners or State of North Carolina;
 - viii. consult with other agencies involved in the preservation or production of agriculture as needed; develop an annual report to the N.C. Commissioner of Agriculture, Board of Commissioners and others on the status of the Voluntary Agricultural District program;

- ix. perform other related tasks and duties and pursue other research and advise on other topics as directed by the Board of Commissioners;
- x. provide recommendations and input on the Orange County Agricultural Development and Protection Plan and Lands Legacy Program, as per Chapter 48, section 48.5(e)(9) of the COO.

SECTION III: MEMBERSHIP

A. Authority

1. North Carolina General Statute 153A-76 grants boards of county commissioners the authority to establish advisory boards and to appoint members to and remove members from those advisory boards. In acting on this authority the Orange County Board of Commissioners hereby establishes certain general conditions to which applicants and members of advisory boards should conform.
2. Agricultural Board membership and authority is also granted and addressed by N.C. General Statutes 106-735 through 106-744 and Chapter 153A, and Chapter 48 of the COO.

B. Composition

1. See Chapter 48, COO.

SECTION IV. MEETINGS

A. Staffing

1. Orange County staff from the Department of Environment, Agriculture, Parks and Recreation shall serve as staff support to the Agricultural Preservation Board, contingent upon the approval of the Orange County Manager.

B. Agendas

1. Items for agendas shall be approved by the Agricultural Preservation Board Chair and staff.
2. Regular meetings of the Board shall be held on the third Wednesday of each month at a time and location established by the Board. The Board may also choose to meet bi-monthly by cancelling regular meetings in selected months, as part of the annual adoption of the meeting schedule. When the regular meeting day falls on a holiday, the Board may call a special meeting.
3. Special meetings may be called by the Chair or by written request by two members of the Board, submitted to the Board or the Chair. Written or oral notice of meetings shall be given to all members at least 48 hours prior to the meeting and shall state the time, place and purpose of the meeting.

4. Records: the Board shall keep meeting summaries or minutes of the proceedings showing the vote of each member upon each question, or if absent of failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Department of Environment, Agriculture, Parks and Recreation and shall be a public record.
5. Cancellation: The Board may cancel meetings when there is no business for the Board or lack of a quorum is determined, by notice from the Chair or staff provided at least 24 hours prior to the scheduled meeting.

SECTION V. ORIENTATION

A. Attendance

1. Each member shall attend an orientation presented by the Department of Environment, Agriculture, Parks and Recreation and/or the officers of the Board to familiarize the advisory board members with the operation of County government, and the operating procedures of the advisory board.
2. Each voting member will be encouraged to complete the orientation within eight weeks of his or her appointment and participate in at least one site tour or visit (as deemed practical)

SECTION VI. BY-LAWS

A. By-Laws

1. Any Bylaws adopted by the Agricultural Preservation Board are void and no further bylaws shall be adopted. Procedure shall be governed solely by this policy document and the General Advisory Board Policy Document – as well as the Board rules and procedures found in the COO, Chapter 48.
2. Should the Agricultural Preservation Board determine modifications to policies and procedures are necessary the Board may petition the Board of County Commissioners for such modifications, to be made to this document and the Code of Ordinances, as applicable.