

Chatham County Planning Board Rules of Procedure

I. Preface

The following Rules of Procedure are adopted by the Chatham County Planning Board to facilitate the exercise of its duties and powers as set forth in the North Carolina General Statutes and the Ordinance to Establish a Planning Board as amended by the Board of Commissioners February 5, 2007.

II. General Powers and Duties

The Planning Board, in cooperation with Chatham County citizens and local, regional, state and federal agencies shall:

- A. Adhere to Section 3. General Power and Duties of ~~Anan~~ *Ordinance to Establish a Planning Board for Chatham County, North Carolina.*
- B. Be informed of the principles and practices of planning.
- C. Cooperate with the municipalities in any development concern that affects both the county and the municipalities.
- D. Cooperate with surrounding counties and towns in any development concern that affects any of the jurisdictions.
- E. Inform the public of decisions and actions of the Planning Board and the Planning Department through the Chair and Vice-Chair of the Planning Board.

III. Membership

- A. The Planning Board membership shall be appointed by the Board of Commissioners as set forth in *An Ordinance to Establish a Planning Board for Chatham County.*
- B. The term of membership shall be four years.
- C. Candidates for appointment to the Planning Board shall submit a resume to the Planning Department prior to appointment.
- D. The Planning Board may recommend to the Board of Commissioners creating advisory groups and/or special committees to promote public participation in, and efficiency of, the planning process.
- E. The Board of Commissioners may, from time to time, appoint ex-officio members to serve such terms as are fixed by the appointing resolution. Ex-officio members shall not vote on any matter before the Planning Board.
- ~~E.F.~~ Each Member of the Commission shall, before entering their duties, qualify by taking an oath of office as required by GS 160D-309.

IV. Officers

- A. A Chair and Vice-Chair shall be elected at the regular meeting of the Planning Board each year in February. The term of the Chair and Vice-Chair shall be for one (1) year, from February through January, with eligibility for re-election of one term. A Parliamentarian may be appointed by the Chair.
- B. If the term of the Chair expires in December, the Vice-Chair shall preside until the election of officers in February. If the terms of both the Chair and Vice-Chair expire in December, the Planning Director shall preside until the election of officers in February.
- C. If the Chair is not able to serve an entire term of office, the Vice-Chair shall assume the responsibility of Chair until the term of office ends. The Planning Board, at its next regular meeting after the Vice-Chair becomes Chair, shall then elect a new Vice-Chair to serve the unexpired term of the Vice-Chair.

- D. In the event that the Vice-Chair is not able to serve a full term of office, the Planning Board, at its next regular meeting after the Vice-Chair is out of office, shall elect a new Vice-Chair to fill the unexpired term of the previous Vice-Chair.
- E. The Chair shall preside at meetings of the Planning Board and may appoint committees.
- F. The Vice-Chair shall assume the duties of Chair in case of absence by the Chair at a Planning Board meeting or in the event the Chair has recused him/herself from the discussion and vote.
- G. The Planning Board, by a two-thirds (2/3) majority vote of the full membership, may create other offices when deemed necessary.

V. Meetings

- A. The Planning Board shall hold at least one meeting monthly and may hold additional meetings, subcommittee meetings, and work sessions as necessary to achieve the goals and objectives of the Planning Board. All meetings shall be in compliance with the North Carolina Open Meeting Law, Article 33C of Chapter 143 of the North Carolina General Statutes.
- B. There shall be a quorum present at the meeting for actions taken to have legal standing. A quorum shall constitute a majority of the current members.
- C. The date, time and location of the regular meeting may be changed as deemed necessary by the board.
- D. Robert's Rules of Order shall govern the meetings of the Planning Board.
- E. If a member feels that insufficient information has been presented for him/her to form an opinion on the matter in question, then the member may request, if the calendar for disposal of the matter allows and with the Board's consent, that consideration of the matter be postponed until the following regular meeting. The member would then explain what it is he/she needs from the applicant in order to make a recommendation.
- F. A motion will be considered carried if a majority of the members, present and voting, have voted in favor of the motion.
- G. In any case in which a motion results in a tie vote, the Chair shall encourage an alternate motion for consideration. If the alternate motion results in a tie vote, neither motion shall be considered to have carried, and shall be noted as such to the Board of Commissioners.
- H. There shall be a written meeting agenda of each regular meeting of the Planning Board. The Chair of the Planning Board and the Planning Director shall decide upon the meeting agenda of the Planning Board, with final approval by the Chair. The agenda, as presented at the meeting, may only be changed by a two-thirds (2/3) vote of the Board members present.
- I. County staff shall prepare written notes on each agenda item, so that Planning Board members are aware of the business of the Board and may study such information prior to the Planning Board meeting.
- J. Notes will be prepared for all items for which a vote is required. If a Planning Board member wishes to have an item considered for a vote, a written summary shall be distributed to Board members along with the other materials prepared for the meeting. If an item is brought up at the Board meeting and a vote is required, that vote will be held at the next regular meeting of the Planning Board.
- K. Notice of the meeting shall be given as required by the North Carolina open meeting law. All meetings of the Planning Board are open to the public subject to the North Carolina open meetings law. The public is encouraged to attend and participate in meetings of the Planning Board.

- L. Cancellation of regular meetings is subject to the North Carolina open meetings law.
- M. The secretary of the Planning Department shall keep minutes of the regular meetings of the Planning Board. ~~Minutes~~ Minutes from the previous meeting shall be given to all board members prior to a meeting. Minutes must be approved by a majority of board members.
- N. Faithful attendance at Planning Board meetings shall be a prerequisite for continued membership on the Board. A member may miss up to three (3) regular meetings in a calendar year. If a member misses more than three regular meetings (3) in a calendar year, the Chair and the Vice Chair shall meet with the member to determine whether to recommend to the Board of Commissioners the removal of the member from the Board.
- O. The chair, to facilitate a meeting, may place time limits on public comments and input.
- P. The consent agenda shall consist of items routine in nature. Before the consent agenda is approved, the Chair shall ask the audience if any person of standing wishes to speak on an item on the consent agenda. If so, the Chair may request that the item be removed from the consent agenda and placed on the regular agenda.
- Q. Any Board member may request an item be removed from the consent agenda. This request does not require a vote of the Board, but, upon such request, the item shall be placed on the regular agenda in an order determined by the Chair.
- ~~Q-R.~~ Each Board member will receive an Agenda Packet. The Agenda Packet shall include the Agenda and any supporting documentation and information relevant to Agenda items. The Agenda Packet will be mailed to the Board members one week before the meeting and emailed on the Thursday before the meeting. The Agenda Packet will also be posted to the Planning Department website.

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VI. Special Meetings

The Chair may call special meetings of the Planning Board, subject to the North Carolina Open Meetings Law.

VII. Electronic Meetings

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The Chatham County Planning Board recognizes that Article 33C of Chapter 143 of the North Carolina General Statutes contemplates that official meetings of public bodies, advisory committees established by the Chatham County Board of Commissioners, may take place by electronic means. In fact, §143-318.10(d) of the North Carolina General Statutes states that an official meeting is, “a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body 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.” The criteria below for Electronic Meetings are a guide for how advisory committees established by the Chatham County Board of Commissioners will conduct meetings featuring electronic participation.

These Rules of Procedure for Electronic Meetings (“Electronic Rules”) shall apply to all Chatham County public advisory boards, including the Planning Board. The Electronic Rules are supplemental to the Rules of Procedure approved by the Planning Board for its meetings. Electronic Meetings can take place for any regular, special, or emergency meeting of the Chatham County Planning Board, subject to the conditions governing the use of Electronic Meetings.

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- A. Electronic meetings will only be permitted when any of the following entities declare that a state of emergency or a disaster exists in an area including the Chatham County: the federal government of the United States of America; the Government of the State of North Carolina through the Governor of the State of North Carolina or other method permitted by Chapter 166A of the North Carolina General Statutes; or Chatham County,

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North Carolina. The state of emergency declaration or disaster declaration must be related to a distinct event that reasonable persons can agree directly affects Chatham County (for example, a determination that an emergency exists under the National Emergencies Act related to piracy conducted by Somali pirates would not reasonably be related to the Chatham County and cannot support use of electronic meetings). If no state of emergency or disaster exists, then these Electronic Rules may not be used.

B. Definition of an Electronic Meeting: An Electronic Meeting is any meeting where one or more members of the citizen advisory committee participates through telephonic communication, or a telecommunications application which allows simultaneous communication by multiple parties, or other similar means that allows the members of the citizen advisory committee to hold a meeting without all members being physically present in the same room.

C. Notice of Electronic Meeting: If an Electronic Meeting is necessary, a public notice of the electronic meeting shall be sent as part of any notice required by North Carolina General Statutes §143-318.12. The public notice, in addition to the information required by North Carolina General Statutes §143-318.12, shall provide:

1. The location of the physical meeting (which is where any planning board member and Staff able to attend the meeting in person shall gather); and

2. The location of where a member of the public, member of the media, or others, may listen to the Electronic Meeting in accordance with § 143-318.13 of the North Carolina General Statutes.

The notice shall be provided in the manner required by Article 33C of Chapter 143 of the North Carolina General Statutes. If the Electronic Meeting is being used for any part of a regular meeting that is on the meeting schedule adopted by the Planning Board, then the information required above shall be provided in a separate notice to be provided in accordance with Article 33C of Chapter 143 of the North Carolina General Statutes. Any notice provided may also be posted on the Chatham County bulletin board, website and social media accounts, if possible.

D. Quorum: Planning Board members present in person or electronically, shall be included in the calculation for determining if a quorum exists of the citizen advisory committee. If a committee member who participates electronically withdraws from the meeting, the rest of the meeting may be completed provided there is still a quorum of the committee members present either in person or electronically. Any Board member withdrawing from the meeting shall no longer be included for purposes of the quorum calculation.

E. Process of Opening a Meeting: Immediately prior to opening the meeting, the Chair, Vice Chair, or other presiding officer shall communicate with the Planning Board member(s) who is (are) participating electronically and ensure that he/she is prepared to go forward. From that time forward until the adjournment of the meeting, the communication line or application shall be kept open. At the start of the meeting, the Chair, Vice Chair, or presiding official shall state which members are participating electronically

F. Voting and Discussion: The Planning Board members present for the meeting through electronic means are eligible to vote for all items considered by the Planning Board during the meeting. Also, a member voting must indicate verbally with a “yes,” “no,” “yea,” “nay,” “or “abstain” (when that is permitted) such that the vote may properly and accurately record into the minutes of the Planning Board. Prior to taking a vote on any issue, the Chair, Vice Chair, or other presiding officer shall inquire of the Planning Board

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members participating electronically if he or she has been able to adequately monitor the discussion, including comments from the public, if any, and shall allow those Planning Board members to make any comments he or she desires, if they chose to not avail himself or herself of the opportunity to discuss the matter before the vote. However, it is the responsibility of the member to gain the attention of the Chair or the presiding officer in order to be recognized for discussion. A board member attending through electronic means that withdraws from the meeting without being excused from further attendance shall not be considered an affirmative vote on items before the Planning Board. If a board member attending through electronic means becomes disconnected from the meeting, the member will not be counted as an affirmative or negative vote.

G. Minutes: The minutes of the meeting shall designate the name of each planning board member who participated electronically, the nature of the electronic communication, and the duration of the committee member's participation.

VIII. Conflict of Interest

Members of appointed boards shall not vote on any advisory or legislative decisions regarding a development regulation adopted pursuant to G.S. 160D-109 where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. At the beginning of consideration of a matter before the Planning Board, any member who has a potential conflict of interest whether direct or indirect (see A Code of Ethics for the Chatham County Planning Board), shall notify the Chair of this conflict. The Chair shall excuse the member from further participation in the matter, including voting.

VIII.IX. Committees

The Board may establish standing as well as ad hoc committees to study matters of concern to the Board. The standing and ad hoc committees shall study and make recommendations on matters before them to the Planning Board.

IX. Budget

The budget of the Planning Department shall be submitted to the Planning Board for review and recommendation before submission to the County Manager.

X. XI. Minority Reports

Any member(s), voting in the minority, or abstaining from voting, on an item before the Board, can submit a report to state the position of the minority view. Any member voting in the minority or abstaining from the vote can join the report, but only one minority report is to be prepared. The report shall be prepared and submitted to the Planning Director in an electronic format no later than 8:00 am on Monday following the Planning Board meeting.

The Planning Director shall distribute the report to all members of the Planning Board.

XI. Amendments

Any amendment to these rules of procedure shall be adopted by a two-thirds (2/3) majority vote of the full membership of the Board and voted on at a regular meeting of the Planning Board.