

# 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 *An 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.

### 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 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.

## **VI. Special Meetings**

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

## **VII. Conflict of Interest**

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. 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. 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.

### **Adopted by Planning Board March 9, 1982**

#### PROPOSED AMENDMENT TO THE RULES OF PROCEDURE

Section V. B.

Now reads:

The meetings of the Planning Board shall be governed by Roberts Rules of Order. A parliamentarian shall be appointed.

I propose to amend this section by inserting the following words after Roberts Rules of Order.

...., except that a majority vote of members present shall be required for the board to take any action. In any case in which, due to abstentions by some board members, neither the affirmative nor the negative receives a majority of votes of the members present, the chairman shall call for a period of reconsideration after which another vote shall be taken in an attempt to reach such a majority.

Explanation: Our current rules make no mention of what kind of majority is needed to pass a motion. We have been proceeding under the requirement that only a majority of those voting is necessary to pass a motion. This leads to the situation that a very small number of votes will pass a motion when a number of members abstain. In my view it would be better for the board to take a minute to reconsider and see if a more solid majority cannot be reached. Thus this proposal calls for action only when a majority of those present votes for a motion.

### **Adopted by the Planning Board on August 10, 2004**

#### AMENDMENT TO THE RULES OF PROCEDURE

Section IV. Officers

A.

Original language: "A chairman and vice-chairman shall be elected at a regular meeting of the Planning Board during the month of July each year. The term of the chairman and vice-chairman shall be for one (1) year, with eligibility for reelection for one term".

Amend language: Change July to read September as follows: "A chairman and vice-chairman shall be elected at a regular meeting of the Planning Board during the month of September each year. The term of the chairman and vice-chairman shall be for one (1) year, with eligibility for reelection for one term".

**I.II. Preface**

~~\_\_\_\_\_The following Rules of Procedure are adopted by the Chatham County Planning Board hereby adopts the following Rules of Procedure to facilitate the efficiency exercise of its duties and the exercising of its powers as set forth in the North Carolina General Statutes of the State of North Carolina, and anthe Ordinance to Establish a Planning Board for Chatham County, North Carolina; which was unanimously approved by the Board of Commissioners on May 2, 1977, as amended by the Board of Commissioners February 5, 2007.~~

**II. General Powers and Duties**

~~\_\_\_\_\_It shall be the duty of tThe Planning Board, in cooperation with working with Chatham County citizens and; local, regional, state as well asand federal agencies shall;~~

~~A. Adhere to Section 3. General Power and Duties of An 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.~~

~~A-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.~~

~~A.To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions;~~

~~B.To prepare and from time to time amend and revise a comprehensive and coordinated plan for the development of the area;~~

~~C.To establish principles for guiding action in the development of the area;~~

~~D.To prepare and recommend to the Board of County Commissioners ordinances promoting orderly development along the lines indicated in the comprehensive plan;~~

~~E.To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvements of the area;~~

~~F.To keep the Board of County Commissioners and the general public informed and advised as to these matters;~~

~~G.To perform any other duties which may lawfully be assigned to it by the Board of County Commissioners.~~

~~H.The Planning Board may conduct such public meetings as may be required to gather or disseminate information necessary for the drafting, establishment, and~~

~~maintenance of the comprehensive plan. Before adopting any such plan, it shall hold at least one public hearing thereon.~~

~~I. The Planning Board shall strive to promote public interest in and an understanding of its recommendations, and to that end it may publish and distribute copies of its recommendations, and may employ such other means of publicity and education as it may determine.~~

~~J. Members of the Planning Board should strive to inform themselves of the principles and practices of planning.~~

~~K. The Planning Board shall strive for cooperation between the municipalities and the county in any development concern, which affects both jurisdictions. Likewise, the Planning Board shall strive for cooperation with surrounding counties and towns in any development concern, which affects either of the jurisdictions.~~

~~L. The Planning Board should review and take part in the planning process of any public facilities sponsored by and/or funded wither in whole or in part by Chatham County.~~

~~M. The Planning Board should appoint a Public Information Committee to inform the public of decisions and actions of the Planning Board and the Planning Department. The committee should consist of the chairman and vice chairman 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.

~~A. The Planning Board shall consist of not less than nine (9) members appointed by the Board of Commissioners to serve the terms as set forth herein.~~

~~A. Appointments to the Planning Board shall be made in such a manner that the Planning Board will have one member from each zoned township and so that each commissioner's district will have at least as many Planning Board members as commissioners. Appointments shall also be made in such a manner that Planning Board members shall represent, in so far as is practical, the geographical, socio-economic, sexual and racial makeup of the county.~~

~~B. Eleven (11) members shall be appointed to take office effective July 1, 1977; four (4) shall be appointed for a three year term, four (4) shall be appointed for a two~~

~~year term and three (3) shall be appointed for a one-year term. All successive appointments, except those necessary to fill vacancies, shall be for terms of three (3) years. No member shall be allowed to succeed himself or herself more than once. No member who has served for two terms shall be eligible for membership on the Planning Board until after a one (1) year waiting period. Appointments to fill vacancies created other than by expiration of a member's term shall be for the unexpired term. Members of the Planning Board serving at the time of adoption of this ordinance shall be eligible for reappointment for one term beginning July 1, 1977 without a waiting period.~~

~~C. The County Commissioners may create Advisory Groups, which will assist the Planning Board to promote public participation and efficiency in the planning process.~~

~~D. Any future appointees to the Planning Board should be required to submit a resume to the Planning Department prior to their appointment; as a matter of keeping the public informed.~~

~~E. Ex officio members may from time to time be appointed by the Board of Commissioners to serve such terms as are fixed by the Appointing Resolution. Ex officio members shall not be able to vote on any matter before the Planning Board.~~

#### **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.

~~A. A chairman and vice-chairman shall be elected at a regular meeting of the Planning Board during the month of \*September each year [\*See Amendment approved 8-10-04]. The term of the chairman and vice-chairman shall be for one (1) year, with eligibility or reelection for one term.~~

~~B.If the chairman is not able to serve an entire term of office, the vice chairman shall take on the responsibility of being chairman until the term of office ends. The board shall elect then a vice chairman to serve the unexpired term at the next regular meeting of the board.~~

~~C.In the event of the vice chairman not being able to serve a full term of office, there shall be an election for a vice chairman at the next regular meeting of the board to fill the unexpired term of office.~~

~~D.The chairman shall preside at meetings of the Planning Board, appoint committees subject to approval by the board and serve on the Public Information Committee.~~

~~E.The vice chairman shall serve on the Public Information Committee and assume the duties of chairman in case of absence by the chairman at a meeting.~~

~~F.The Planning Board may create other offices when deemed necessary by a majority of the board.~~

#### **VI.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. 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.

F. 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.

G. 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.

H. 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.

I. 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.

- J. Cancellation of regular meetings is subject to the North Carolina open meetings law.
- K. The secretary of the Planning Department shall keep minutes of the regular meetings of the Planning Board. Minutes shall be given to all board members prior to a meeting. Minutes must be approved by a majority of board members.
- L. 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.
- M. The chair, to facilitate a meeting, may place time limits on public comments and input.
- N. 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.
- O. 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.
- ~~A. The Planning Board shall meet at least once a month for a regular meeting. The date, time and location of the regular meeting may be changed as deemed necessary by the board.~~
- ~~B. The meetings of the Planning Board shall be governed by Roberts Rules of Order, except that a majority vote of members present shall be required for the board to take any action. In any case in which, due to abstentions by some board members, neither the affirmative nor the negative receives a majority of votes of the members present, the chairman shall call for a period of reconsideration after which another vote shall be taken in an attempt to reach such a majority. A parliamentarian shall be appointed.~~
- ~~C. There shall be a written meeting agenda of each regular meeting of the Planning Board. The meeting agenda of the Planning Board shall be decided upon by the Chairman of the Board and the Director of Planning and said agenda may only be changed by a 2/3 vote of the board.~~
- ~~D. There should be written preparation of meeting agenda items so that Board members may be aware of the boards' business and study such information.~~
- ~~E. Notice of the meeting shall be given as required by the North Carolina Open Meeting Law.~~
- ~~F. Minutes of the regular meeting shall be kept by the Secretary to the Planning Board. Minutes shall be given to all board members prior to a meeting. Minutes shall be approved by a majority of board members.~~
- ~~G. Cancellation of regular meetings is subject to the North Carolina Open Meetings Law.~~
- ~~H. Faithful attendance at Planning Board Meetings shall be a prerequisite to continued membership on the board. A member may miss up to four (4) regular meetings~~

~~per year with good cause: i.e. job requirements or personal emergency. Once a person misses more than four (4) regular meetings without good cause in one year, the board should recommend dismissal of the person from the board to the Board of County Commissioners.~~

~~I. 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.~~

## **VI. Special Meetings**

~~—The chairman Chair may ~~be able to~~ call special meetings of the Planning Board, subject to the North Carolina Open Meetings Law.~~

## **VII. Conflict of Interest**

~~—At the beginning of consideration of a matter before the Planning Board, any member who has an interest, whether direct or indirect shall notify the Planning Board forthwith of said interest. The chairman shall excuse said member from further participation in the matter. A members' withdrawal from participation shall not be interpreted as voting on the matter.~~ 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. Committees**

~~A. The Board may adopt standing as well as ad hoc committees to study matters within their concern in order to make the planning process more efficient in Chatham County.~~

~~B. The standing and ad hoc committees shall meet in order to study and make recommendations on matters before them to the board.~~

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 and subject to their approval, before submitting it to other officials of the county for review and recommendation before submission to the County Manager.~~

## **X. 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

## **X.XI. Amendments**

~~Any amendments(s) to these Rules of Procedure shall be adopted only at a regular meeting of the Planning Board. The amendment(s) may become a part of these Rules of Procedure only after due consideration and study by the board. A majority of the members present shall be required in order to amend these Rules of Procedure. 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.~~

**Adopted by the Planning Board on August 5, 2008**

**V. Meetings**

- E. All members are expected to vote on all motions brought before the Board unless the member has been excused from voting by the Chair due to a conflict of interest. If insufficient information is presented for a member to form an opinion on the matter, then, if the calendar of the matter allows (as set in our ordinances and regulations), the member should request that the decision on 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 members present and voting voted in favor of the motion. After the Chair announces the result of the final vote on a motion before the board, any member who did not vote either for or against the motion, will explain to the board and for the record, why they did not vote.

**Adopted by the Planning Board on October 4, 2011**

**V. Meetings**

- 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.