

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 Board of Commissioners, and the public, of decisions and actions of the Planning Board and the Planning Department through the Chair and Vice-Chair of the Planning Board.
- F. Perform any other duties, which may lawfully be assigned to the Planning Board by the Board of Commissioners.

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, North Carolina*.
- 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.
- F. All members appointed to the Planning Board 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, and they are not yet replaced by the Board of Commissioners, the officers shall continue

in their respective offices until their successors are elected or appointed, and duly qualified. If they have been replaced, 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 is recused 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 special 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. If there are no items on an upcoming agenda the Board can decide to cancel or postpone the regularly scheduled meeting.
- 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, due to inclement weather, inability to achieve a quorum, or as otherwise deemed necessary by the Board.
- D. Except as provided in these Rules, Robert's Rules of Order shall govern the meetings of the Planning Board.
- E. If a member feels that insufficient information has been presented 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 is needed 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. A vote by the Board to recommend denial of a subdivision application must include a reference to the specific requirement(s) of the subdivision regulations that the application fails to satisfy.
- I. 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 be modified with a simple majority vote of the Board members present during the adoption process. Once the agenda is adopted, any changes made to the agenda during the meeting shall require a two-thirds (2/3) majority vote of the Board members present.
- J. 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.

- K. 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.
- L. 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.
- M. Board members should be aware that email discussions can violate the open meetings law. Members may provide information and opinions about matters before the Board to other members, but they should avoid electronic discussions of those matters involving a majority of the Board. In particular, they should avoid using the “reply all” function.
- N. Cancellation of regular meetings is subject to the North Carolina open meetings law.
- O. The secretary of the Planning Department shall keep minutes of the meetings of the Planning Board. Minutes from the previous meeting shall be distributed to all Board members prior to a meeting. At the beginning of each Planning Board meeting members shall formally approve the minutes, incorporating any accepted changes or corrections.
- P. 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.
- Q. The Chair, to facilitate a meeting, may place time limits on public comments and input.
- R. 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.
- S. 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 a request, the item shall be placed on the regular agenda in an order determined by the Chair.
- T. Each Board member will receive an Agenda Packet from the County Staff. 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. The Agenda Packet will also be posted to the Planning Department website.

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 and Code of Ethics

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 shall notify the Chair of this conflict. The Chair shall excuse the member from further participation in the matter, including voting.

The Chatham County Planning Board is subject to the applicable sections, (b), (d), (e) and (f) of “NC G.S. 160D-109. Conflicts of Interest.” included below.

(b) Appointed Boards. – Members of appointed boards shall not vote on any advisory or legislative decisions regarding a development regulation adopted pursuant to this Chapter

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.

(d) Quasi-Judicial Decisions. – A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(e) Resolution of Objection. – If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(f) Familial Relationship. – For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).

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 minority report. 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 within two weeks 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.

Amendments:
December 4, 2007
August 5, 2008
October 4, 2011
June 2, 2020
October 4, 2022
May 6, 2025