

Rules of Procedure Planning Board Graham, North Carolina

I. General Rules

The Planning Board shall follow procedures which are regular and properly judicial and the Board's decisions shall be in accordance with the recognized body of zoning and land use law.

The Board shall comply with all procedures set forth in the State Statutes, the City of Graham Development Ordinance and these Rules of Procedure, which shall be effective upon enactment by the Board. In cases where the Rules and Procedures conflict with any Federal or North Carolina State Statute, or City Ordinance, said statutes and ordinances shall govern.

II. Officers and Duties

- A. Chair. The Chair shall have the following powers and duties:
- i. To preside at all meetings and public hearings of the Board;
 - ii. To decide all points of order and procedure;
 - iii. To entertain and answer questions of parliamentary law or procedures;
 - iv. To call a brief recess at any time;
 - v. To adjourn in an emergency meeting;
 - vi. To appoint members to all standing and temporary committees;
 - vii. To certify rulings of the Board;
 - viii. Shall exercise full voting rights on all matters under consideration.
- B. Vice-Chair. The Vice-Chair shall serve as acting Chair in the absence or disability of the Chair. At such times, he shall have and exercise the same powers and duties as the Chair.
- C. Secretary. The Secretary shall be appointed by the Planning Board. Selection of a secretary may include an officer or an employee of the city. The Secretary shall keep a record of all business transacted at any meeting of the Planning Board.

III. Committees

Reserved

IV. Meetings

- A. Regular Meetings. Regular meetings of the Planning Board shall be held on the third Tuesday of each month at 7:00pm in the Council Chambers of City Hall, 201 South Main Street.
- B. Special Meetings and Emergency Meetings. Special meetings and emergency meetings of the Board may be called at any time by the Chair in conformance with G.S. 143-318.12, and the

place and subject of the meeting shall be given. This notice may either be telephonic, written or via email, and shall be given by either the Secretary or the Chair of the Board.

- C. Cancellation of Meetings. Whenever there is no business to come before the Board, the Chair may dispense with the regular meeting by giving notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.
- D. Conduct of the Meeting
 - i. Public Meetings. All meetings of the Board shall be open to the Public and be subject to all provisions of the North Carolina Open Meetings Law.
 - ii. Order of Business. The board's business shall be placed on the agenda according to the Order of Business listed below. However, by general consent of the board, items may be considered out of order.
 - a. Call meeting to order
 - b. Invocation
 - c. Overview of Board and general meeting rules
 - d. Public comment on non-agenda items
 - e. Approval of minutes
 - f. Committee reports
 - g. Old Business
 - h. New Business
 - 1. Rezoning
 - 2. Conditional Rezoning
 - 3. Special Use Permits
 - 4. Subdivisions
 - 5. Text Amendments
 - 6. Other types of business
 - i. Adjournment
- E. Hearing Procedure. Board procedure on all hearings shall be in the order listed below. The Chair shall have the privilege of limiting arguments by both proponents and opponents to avoid redundant, cumulative or repetitive testimony or argument.
 - i. Staff report
 - ii. Applicant presentation
 - iii. Public comments
 - iv. Applicant rebuttal
 - v. Discussion
 - vi. Motion



- F. **Public Address to the Board.** The following applies to members of the general public and does not apply to an applicant in relation to his/her case.
- i. **Sign-up for Non-Agenda Items.** Those members of the public who wish to address the Board regarding Planning-related items that are not on the agenda shall print their name on the “sign-up sheet” to be made available by the Secretary immediately prior to each Board meeting.
 - ii. **Time.** All speakers, whether speaking on agenda or non-agenda items, will be limited to four (4) minutes and may not yield time to other people. The Board may vote by majority to extend additional time to a speaker or modify the agenda to accommodate a speaker. The Chair, or his designee, shall be the timekeeper.
 - iii. **Addressing the Board.** All persons before addressing the Board shall state their name and address for the record. A speaker’s comments or questions must be a relevant topic within the purview of and be directed towards the Board. No speaker may directly address the applicant, city staff or members of the audience. Such comments or inquiries should solely be directed towards the Board and, in turn, the Board may seek an answer from the applicant, city staff or members of the audience.
- G. **Voting.** Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of remaining members present. No member shall be excused from voting except on matters involving their own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present or has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.
- H. **Procedural Motions**
- Action by the Board shall proceed by a motion, followed by a second to the motion. Any member, including the Chair, may make a motion or a second. A member may make only one motion at a time. A substantive motion is out of order while another substantive motion is pending. The Chair shall state the motion and then open the floor to debate on it. The Chair shall preside over the debate according to the following general principles:
- i. The member who makes the motion is entitled to speak first.
 - ii. A member who has not spoken on the issue shall be recognized before someone who has already spoken.
 - iii. To the extent possible, the debate shall alternate between opponents and proponents of the measure.
- In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption. In order of priority, the procedural motions are as follows:
- i. **To Adjourn.** The motion may be made only when action on a pending matter concludes; it may not interrupt deliberations of a pending matter.
 - ii. **To Take a Recess.** This motion is not debatable and the length of time for the recess shall be stated in the motion.



- iii. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.
 - iv. To Suspend the Rules. For adoption, the motion requires a vote equal to the number required for a quorum.
 - v. To Divide a Complex Motion and Consider It by Parts.
 - vi. To Defer Consideration. A substantive motion can defer consideration to the next public meeting date.
 - vii. Call of the Previous Question. The motion is not in order until there has been at least twenty (20) minutes of debate, or every member has had an opportunity to speak once.
 - viii. To Refer to a Committee. Sixty (60) days after a motion has been referred to a committee, any member may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the board.
 - ix. To Amend. An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the motion's intent. The motion may be amended and an amendment may be amended, but no further amendments may be made.
 - x. To Reconsider. A member who voted with the prevailing side must take the motion. It must be made at the same meeting as the vote was taken. It cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.
 - xi. To Rescind or Repeat. A motion may be withdrawn by the introducer at any time before a vote.
- I. Contact with Parties Involved in Applications. The public meeting is the primary place where petitioners and others interested in requests for zoning map and text amendments should present opinions and information concerning the requests. Contact between interested parties and board members prior to the public meeting should be avoided. Board members shall not accept any gift, meal or any other item of value from any party involved in a request. Board members should not indicate their positions regarding requests prior to receiving all information presented at the public meetings.
 - J. Minutes. The minutes of the Planning Board shall be known as unofficial minutes until approved by the Planning Board, at which time they become official minutes. The minutes shall be public record and kept on file in the office of the Planning Board and available for inspection during regular business hours.

V. Ethical Principles in Planning

The planning process must continuously pursue and faithfully serve the public interest. To accomplish this, planning process participants should:

- A. Recognize the rights of citizens to participate in planning decisions.
- B. Strive to provide citizens (including those who lack formal organization or influence) full, clear, and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs.



- C. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons.
- D. Assist in the clarification of community goals, objectives, and policies in plan-making.
- E. Ensure that reports, records, and any other non-confidential information which is, or will be, available to decision-makers is made available to the public in a convenient format and sufficiently in advance of any decision.
- F. Strive to protect the integrity of the natural environment and the heritage of the built environment.
- G. Pay special attention to the interrelatedness of decisions and the long-range consequence of present actions.
- H. Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained. To accomplish this, planning process participants should:
 - I. Exercise fair, honest, and independent judgment in their roles as decision-makers and advisors.
 - J. Make public disclosures of all “personal interests” they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision-maker.
 - K. Define “personal interest” broadly to include any actual or potential benefits, or advantages that they, a spouse, family members, or person living in their household might directly or indirectly obtain from a planning decision.
 - L. Abstain completely from direct or indirect participation as an advisor or decision-maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency, or court with jurisdiction to rule on ethics matters has expressly authorized their participation.
 - M. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant’s objectivity as advisor or decision-maker in the planning process.
 - N. Do not participate as an advisor or decision-maker on any plan or project in which they have previously participated as a paid advocate.
 - O. Serve as advocates only when the client’s objectives are ethical and consistent with the public interest.



- P. Do not participate as a paid advocate on any aspect of a plan or program on which they have previously served as advisor or decision-maker, unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency. Such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer. Under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision-maker.
- Q. Do not use confidential information acquired in the course of their duties to further a personal interest.
- R. Do not disclose confidential information acquired in the course of their duties, except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons—provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions.
- S. Do not misrepresent facts or distort information for the purpose of achieving a desired outcome.
- T. Do not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service.
- U. Respect the rights of all persons, and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

VI. Amendments

These Rules of Procedure may be amended by a majority vote of the Board provided that the proposed change shall have been submitted in writing at the previous regular meeting of the Board. Submissions to amend these Rules of Procedure may only be proposed by current Planning Board members, City Council members, or City of Graham staff.

