

# RULES OF PROCEDURE

## SALISBURY PLANNING BOARD

**I PURPOSE:** These rules are to provide for the orderly disposition of the business of the City of Salisbury Planning Board.

### **II RESPONSIBILITY OF THE BOARD:**

**A. TO SERVE THE PUBLIC INTEREST.** The Planning Board's purpose is one of guiding and accomplishing a coordinated and harmonious development of the city that will, in accord with present and future needs, best and most efficiently promote the public health, safety, and general welfare. Appointment to the Planning Board, therefore, represents a public trust, giving a board member a responsibility to care for the general welfare of the city and an opportunity to help in shaping the present and future quality of life in the City of Salisbury.

Each board member's primary responsibility is to represent the best interests of the city as a whole. Board members are therefore expected to keep consideration of the general public interest foremost during their deliberations. They should consider the interests of particular individuals or groups only in the context of their relationship to the general public interest. Board members should not act as delegates of the particular neighborhoods, occupations, interest groups, or socio-economic groups of which they are a part.

Furthermore, the Planning Board often serves as a public forum for citizen participation and discussion of planning issues important to the community. At such times, the Board should attempt to draw out and clarify the positions of people on all sides of the issue, and to identify the relationship of such positions to the public interest.

**B. TO ACQUIRE ADEQUATE INFORMATION AND KNOWLEDGE.** Each Planning Board member has the responsibility to acquire whatever information and knowledge is necessary to fully understand and make wise decisions and recommendations in the interest of the City. To this end, a board member is expected to depend on both his or her own personal background, experience, expertise, and familiarity with the City (especially that part of the City in which he or she resides), as well as the expertise and knowledge of, and information available to, City staff members.

Board members are expected to have a full understanding of the City's Vision 2020 Plan and other adopted City policies and plans concerning development. They are expected to be familiar with Section 160A-361 of the NC General Statutes regarding Planning Board duties and their charge to make recommendations to City Council on certain matters, as well as familiar with the general scope, applicability, and organization of the City's Land Development Ordinance and its' review procedures.

**C. TO MAKE RATIONAL DECISIONS.** The Planning Board has the responsibility to ensure that the decision-making process it applies to any issue before it is not only rational, but is also perceived as rational. This means the Board's decision should consist of conclusions that are based on findings related to the standards, policies, and considerations applicable to the particular type of decision. Furthermore, such findings should be supported by information available to the

Board-that is, information contained in an application, staff report, or other document submitted to the Board, or included in any testimony presented before the Board, or explicitly stated by a Board member from his or her personal observations, knowledge, or experience.

**D. TO TAKE A BROAD PERSPECTIVE.** Board members have the responsibility to recognize the comprehensive and long-range nature of many of the Board's decisions. They must consider, as well as balance and integrate not only the many physical aspects of the issue being decided, but often also its economic and social aspects. They must consider not only the decision's immediate impacts on those persons most affected, but also its future and secondary impacts on the City as a whole. The Board should thus explicitly evaluate all facts, alternatives, means, and consequences relevant to its decisions.

**III MEMBERSHIP AND OFFICERS:** The number, qualifications and appointment of members, their terms of office and the filling of vacancies shall be in accordance with Article II, Section 19-28 of the City of Salisbury Code.

**A. OFFICERS AND DUTIES**

1. The officers of the Salisbury Planning Board shall be a Chair and Vice Chair.
  - a. The Chair shall preside at all meetings, appoint all standing and temporary committees, and shall exercise full voting rights on any matters under consideration.
  - b. The Vice Chair shall perform the duties of the Chair in the absence of the Chair or if the Chair has a conflict of interest.
  - c. A temporary Chair shall be elected by a majority of those present and voting in the absence of the Chair and Vice Chair.
2. A Secretary shall be appointed by the Salisbury Planning Board Chair. The Secretary shall keep a record of all business transacted at any meeting of the Planning Board. 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.

**B. ELECTION OF OFFICERS**

1. Planning Board officers shall be elected in March of each year. Officers shall take office in April of each year.
2. A Nominating Committee shall recommend the nomination of a Chair and Vice Chair at the first Board meeting in March. In addition, nominations may be made from the floor.
3. The election of a Chair shall precede the nomination and election of a Vice Chair.
4. Candidates receiving a majority vote of those present at the Planning Board meeting shall be declared elected.

5. Vacancies in office shall be filled immediately by regular election procedure.
6. The Chair shall have at least two consecutive years' experience as a member of the Planning Board and shall serve as the Chair a maximum of two years. The Vice Chair shall have at least two years' experience as a Planning Board member.

#### **IV REGULAR OR SPECIAL MEETINGS:**

- A. Regular meetings shall be held the second and fourth Tuesdays of each month, at 4:00 p.m., in the City Council Chambers, unless otherwise specified.
- B. A quorum shall consist of a majority of the appointed membership of the Board. The number of votes necessary to transact business shall be a majority of those present and voting. All voting shall be recorded.
- C. Special meetings may be called by the Chair. However, it shall also be the duty of the Chair to call a Special meeting when requested to do so by a minimum of seven members of the Board. At a Special meeting, only the business designated as the purpose of the meeting may be transacted.
- D. The regular second meeting in January of each year shall be the Annual Meeting. At that meeting, the Board's annual goals are to be adopted.
- E. All meetings, including committee meetings, shall be open to the public and shall be subject to all provisions of the North Carolina Open Meetings Law.
- F. A regular meeting of the Board shall be limited to a 2-hour duration unless extended by a majority vote of the Board.
- G. When an issue arises which is not specifically covered by these rules, the Board will be governed by Robert's Rules of Order Newly Revised (10<sup>th</sup> Ed.).

#### **V HEARING PROCEDURES:**

##### **A. Courtesy Hearings:**

1. Courtesy hearings may be called by the Planning Board on any matters of interest to the Planning Board; however, the Board shall not be compelled to hold another courtesy hearing upon returning a matter of interest from the committee level.
2. A quorum shall be required for conducting a courtesy hearing.
3. For legislative or policy matters, the Chair shall first call for staff remarks. Following staff remarks, the Chair may call for the petitioner to present their case for a maximum of three (3) minutes. The Chair may then open the courtesy hearing for those interested parties speaking in opposition followed by those interested parties speaking in favor – each speaking for a maximum of three (3) minutes. Following the courtesy hearing, the Chair may recall the petitioner for response and rebuttal for a maximum of three (3) minutes. The petitioner may forego the initial presentation of their case and respond for a maximum of six (6) minutes following the courtesy hearing.

4. With permission from the Chair, any Board member may recall the petitioner or an interested party for questions or clarification.

**B. Evidentiary Hearings:**

1. Evidentiary hearings shall be called by the Planning Board on matters related to Special Use Permits and Special Use District zoning.
2. A quorum shall be required for conducting an evidentiary hearing.
3. For quasi-judicial matters, the Chair shall first call for staff remarks. Following staff remarks, the Chair shall open the evidentiary hearing by calling for the applicant/petitioner to present their evidence for a maximum of six (6) minutes. The Chair shall then call for additional evidence from any supporting or opposing party – each speaking for a maximum of three (3) minutes.
4. With permission from the Chair, any Board member may recall the applicant/petitioner or an interested party for questions or clarification.

**VI BOARD COMMITTEES:**

**A.** The Planning Board Chair shall make all committee appointments. For each committee, the Board Chair shall appoint a Chair and Vice Chair. In the absence of the Chair, the Vice Chair shall assume the Chair's duties in the same manner as the Board's Vice Chair assumes the duties of the Board Chair in his/her absence. Each committee shall consist of between three and five members, as assigned by the Board Chair.

**B.** Committees may be assigned for different functions, with results forthcoming in different time frames. The general purpose of committees may be to study and make a report and/or recommendation on a rezoning, a Land Development Ordinance text amendment, the adoption of an Area Plan; or a request from City Council, the full Planning Board, or planning staff.

**C.** The Planning Board Chair may appoint any other Planning Board member(s) as an additional alternate member to any committee as necessary for the purposes of satisfying quorum requirements. Quorum is hereby established as one more than half of the regular membership of the committee. If there is not a quorum for the committee meeting and an alternate has not already been named, the committee chair or, in his/her absence, the committee vice chair may appoint any other Planning Board member(s) in attendance as necessary to satisfy quorum requirements. Once quorum of the committee has been established, the committee must commence with the meeting and depart with a recommendation for the entire Planning Board, of which this recommendation shall be achieved by a motion and second of the committee.

**D.** Committee Chairs shall determine the location, time, and date of the meeting, as well as the organization or agenda for the meeting, arrangement of the room, and public participation (if any). Committee Chairs attempt to look at all sides of issues and involve other committee members in the discussion and eventually the formulation of the committee report.

**E.** Special & Transportation Committee. There shall be a Special & Transportation Committee, whose purpose is to assist staff in preparing recommendations for highway, street, transit, sidewalk, greenway, etc., improvement projects, including but not limited to projects listed in the

Transportation Improvement Program (TIP), Salisbury Thoroughfare Plan, and any other related transportation matters, as well as any special projects.

## **VII BOARD MEMBERS:**

- A.** On any case or matter in which a Board member has a direct personal, familial, organizational, or financial interest, the Board member shall declare such interest and abstain from Board consideration or determination relative to such case or matter.
- B.** Board members who appear before the Board shall be excused by the Chair from the Board for such purpose and during any Board consideration or determination directly related thereto.
- C.** Members of the Board will not express individual opinions on the proper judgment of any case with any parties thereto prior to a Planning Board determination of that case.

## **VIII ATTENDANCE:**

- A.** Attendance at all meetings of the Board and its committees shall be considered a prerequisite of continuing membership on the Planning Board.
- B.** Any member of the Board shall be notified in writing if they miss more than two consecutive or more than 15% of regular Planning Board meetings, or more than three consecutive or more than 20% of committee meetings, during a rolling 12-month period.
- C.** Any member of the Board who misses more than 25% of regular Planning Board meetings or more than 35% of committee meetings during a rolling 12-month period will be reported to City Council (or, in the case of ETJ members, to County Commissioners) asking that the member be replaced or appropriate action be taken.

## **IX 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 give 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 consequences of present actions.

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:

**A.** Exercise fair, honest, and independent judgment in their roles as decision-makers and advisors.

**B.** Make public disclosure 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.

**C.** Define “personal interest” broadly to include any actual or potential benefits, or advantages that they, a spouse, family member, or person living in their household might directly or indirectly obtain from a planning decision.

**D.** 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.

**E.** 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 an advisor or decision-maker in the planning process.

**F.** Do not participate as an advisor or decision-maker on any plan or project in which they have previously participated as a paid advocate.

**G.** Serve as advocates only when the client’s objectives are ethical and consistent with the public interest.

**H.** 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.

**I.** Do not use confidential information acquired in the course of their duties to further a personal interest.

**J.** 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.

**K.** Do not misrepresent facts or distort information for the purpose of achieving a desired outcome.

**L.** Do not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service.

**M.** 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.

**X PLANNING BOARD POLICY:**

The Salisbury Planning Board may establish Planning Board Policies in the same manner as an amendment to these Rules of Procedure.

**XI 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 Salisbury staff.

***Adopted*** May 12, 1970; ***Amended*** 6/13/72; 1/11/77; 5/10/77; 9/9/80; 3/10/81; 2/7/84; 5/12/87; 8/14/90; 9/11/90; 3/8/94; 2/9/99; 11/14/00; 3/27/01; 9/25/01; 6/22/04; 8/9/05; 8/8/06; 3/24/09; 6/14/11