



May 18, 2021

To: Planning & Zoning Commission
From: Christopher Andrews, AICP, Development Administrator
Subject: Amendment to Rules of Procedure due to NCGS 160D

Attached are proposed amendments to the Commission's rules of procedure that reflect recent changes to state legislation regarding Chapter 160D of the North Carolina General Statutes. The proposed amendments update references to state statutes and reflect the expanded conflict of interest standards.

At the May regular meeting, staff will present the proposed amendment to the rules, which can be adopted by the Commission at the June regular meeting.

**CITY OF HIGH POINT PLANNING AND ZONING COMMISSION
RULES OF PROCEDURE**

PROPOSED AMENDMENTS:

Section 2. General Governing Statutes, Ordinances and Rules

The Board is governed by the applicable provisions of Chapter 160D of the North Carolina General Statutes ~~160A, Article 19~~; the current City of High Point Development Ordinance and all amendments thereto; other relevant policies established by the City Council; and by these Rules to the extent that they do not conflict with the law. These Rules are a public record, and are ~~made~~ available to the public in paper or electronic format, and posted on the Department's website.

3.1 Membership

The Board shall be made up of nine members (collectively, "the members"). Each member shall take an oath of office prior to performing any duties as a member of the Board.

3.1.2. Extraterritorial Jurisdiction (ETJ) Member

One member shall be a resident of the City's ETJ, who is appointed by the Guilford County Board of Commissioners in accordance with NCGS ~~160A-362~~ 160D-307. The ETJ member has the same rights, privileges and duties as other members, and may participate in and vote on any matter, but shall be present and vote on all matters involving property located in the City's ETJ.

5.2.2. No Commitment Prior to Review

Members ~~shall~~ should take no public position on an application or on any proposed condition prior to the meeting at which the application is heard.

5.2.3. No Deliberation or Formulation of Decision Prior to Meeting

Members ~~shall~~ should refrain from deliberation with other members or formulation of a judgment or decision prior to the meeting at which the application is heard.

5.3. Conflict of Interest

A member shall not participate in or vote on any matter where: i) the outcome of the matter being considered is reasonably likely to have that has a direct, substantial and readily identifiable financial impact on the member; ii) ~~nor~~ participation in or ~~voting~~ on any the matter in a way that would violate the applicant's or an affected person's constitutional right to an impartial decision maker; or iii) the landowner of the affected property or the applicant is a person with whom the member has a close familial, business, or other associational 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.

5.3.1. Recusal (Excuse from Participation)

Members have a legal duty to vote and may only recuse themselves if a statutory exception, as listed in Section 5.3, applies. If a member realizes at the meeting that he or she may have a conflict of interest concerning a matter on the agenda, a request for recusal must be made immediately before the start of the hearing, and must be voted on (recognized) by the Board for the record. A member with a recognized conflict of interest relative to any matter shall not participate in the hearing, deliberation or voting on the matter. A recused member shall physically vacate his or her seat while the matter is being considered. If there is a challenge to a member's participation in a matter due to an alleged conflict of interest, the member shall be given the opportunity to request recusal, or to refute the allegation. The remaining members of the Board shall then by majority vote decide the issue.

5.4.2. Procedural Motions

Procedural motions in the collective provide a structure for conducting the business of the ~~Board, and Board and~~ promote propriety of behavior. Below are procedural motions that are commonly used in meetings of the Board.