

LEE COUNTY PLANNING BOARD  
BY-LAWS

ARTICLE I

OBJECTIVE

The objectives and purposes of the Lee County Planning Board shall be as set forth in North Carolina General Statutes, Chapter 159-9 (40), and other general and special state laws relating to planning in Lee County, and those powers and duties delegated to the Planning Board by the Board of County Commissioners by Ordinance dated December 5, 1966, in accordance with the above mentioned enabling law.

The Lee County Planning Board is hereafter referred to as the Planning Board.

ARTICLE II

MEMBERSHIP

Section 1. The Planning Board shall consist of seven regular members and two alternate members who shall be appointed by the Board of County Commissioners to serve three-year terms. Each member shall be eligible to serve two consecutive terms.

Section 2. Alternate members shall be designated as either "first alternate" or "second alternate". In the event of a vacancy in the position of first alternate, the second alternate will automatically become the first alternate and the latter position shall be filled.

Section 3. Alternate members shall have no authority, duty, or responsibility unless called upon to substitute for a regular member unable to attend a meeting for which a zoning public hearing is scheduled. In no case shall there be more than seven planning board members seated to conduct regular business.

Section 4. Upon notice by a regular member that he will be unable to attend a scheduled meeting, the secretary will contact the first alternate board member.

ARTICLE III

OFFICERS AND THEIR DUTIES

Section 1. The officers of the Planning Board shall consist of a Chairman and Vice-Chairman.

Section 2. The Chairman shall preside at all meetings and hearings of the Planning Board and have the duties normally conferred by parliamentary usage on such officers.

Section 3. The Chairman shall be one of the appointive members of the Planning Board. He shall have the privilege of discussing all matters before the Planning Board and to vote thereon.

Section 4. The Vice-Chairman shall be one of the appointive members of the Planning Board and shall act for the Chairman in his absence.

## ARTICLE IV

### ELECTION OF OFFICERS

Section 1. Officers shall be elected at the annual organization meeting, which shall be held in July of each year.

Section 2. The candidate for each office receiving a majority vote of the entire membership of the Planning Board shall be declared elected.

Section 3. All officers shall be elected for a term of one year and all officers shall be eligible to succeed themselves.

Section 4. Vacancies in any office shall be filled immediately for the unexpired term by regular election procedure.

## ARTICLE V

### MEETINGS

Section 1. Meetings shall be held on the third Monday of each month at 7:00 PM at the Old Lee County Courthouse or a place designated by the Chairman of the Planning Board.

Section 2. A majority of the membership of the Planning Board, four (4) members, shall constitute a quorum. A quorum shall be present before any formal business is transacted.

Section 3. All plans, e.g., comprehensive plan, etc. reports and recommendations of the Planning Board must be approved by a majority of the membership present.

Section 4. Quasi-judicial zoning decisions (Special Use Permit or Conditional Use Permit), require a concurring vote of four-fifths (6 members) of the full Board membership in order to grant a Special Use or Conditional Use Permit.

Section 5. The Chairman may call special meetings. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Board (provided there is a quorum in attendance). The secretary shall give proper notice to members of the Board of such meeting.

Section 6. All meetings at which official action is taken shall be open to the general public; however, this shall in no way prohibit or restrict the Board from adjourning on a motion for executive session.

Section 7. Each Board member is responsible for faithfully attending all regular Board meetings. Any Board member who expects to be absent at an upcoming meeting shall so notify the Chair or Planning staff as soon as possible so arrangements can be made for an Alternate member to attend.

Section 8. If any member is absent (unexcused) from any three (3) consecutive regular meetings, the Chair shall forward that member's name and attendance record to the appointing governing board along with a recommendation that the appointing governing board request the member's resignation and appoint a new member as a replacement.

## ARTICLE VI

### ORDER OF BUSINESS

The order of business at regular meetings shall be:

- a) Approval of Agenda
- b) Reading of minutes of previous meeting
- c) Disclosure of Conflict of Interest
- d) Reports of officers and committees
- e) Old Business
- f) New Business
- g) Other Business
- h) Adjournment

## ARTICLE VII

### COMMITTEES

Special committees may be appointed by the Chairman for purposes and terms which the Planning Board approves.

## ARTICLE VIII

### EMPLOYEES

Section 1. The Planning Board may appoint, with concurrence of the Board of County Commissioners, such employees and staff as it may deem necessary for its work, including a secretary to furnish staff assistance and coordination between the Planning Board and the Board of Commissioners.

Section 2. The Secretary shall keep the minutes and records of the Planning Board, prepare with the Chairman the agenda of regular and special board meetings, provide notice of meetings to Planning Board members, arrange proper and legal notice of hearings, attend to correspondence of the Board and such other duties as are normally carried out by a Secretary.

Section 3. The expenditures of the Board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the County.

## ARTICLE IX

### HEARINGS

Section 1. In addition to those required by law, the Board may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

Section 2. Notice of the date, time, place, and subject of public hearing shall be published in a newspaper of general circulation in the planning area once a week for two (2) consecutive weeks, with the first notice published not less than ten (15) days nor more than twenty-five days prior to the day of the hearing.

Section 3. The case before the Board shall be presented in summary by the Secretary or a designated member of the Board and parties in interest shall have privilege of the floor. No statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.

Section 4. A record shall be kept of those speaking before the Board.

## ARTICLE X

### VOTING

Section 1. Every member, including the Chair and the Vice-chair when acting as Chair, must vote unless excused by the remaining board according to the procedures outlined in these by-laws.

Section 2. A member who wishes to be excused from voting shall do so in accordance with Article XI Conflict of Interest.

Section 3. A failure to vote by a member who is physically present in the Board meeting room or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

## ARTICLE XI

### CONFLICT OF INTEREST

Section 1. To preserve public confidence in the integrity of the Planning Board and the County's governmental process, each Board member shall have the duty to avoid even the appearance of a conflict of interest. A Board member, therefore, shall ask the Board to be excused from participation in any matter before the Board in which the member's impartiality might reasonably be questioned, including, but not limited to, instances where:

- a. The Board member has a personal bias or prejudice concerning any interested party, or representative of a party, to a matter before the Board; or

- b. The Board member has a close personal or financial relationship with any party or party representative; or
- c. The Board member, or a member of the member's household, has a personal or financial interest that may be substantially affected (directly or indirectly) by the Board's action on the matter.

Section 2. If any other person questions the impartiality of a Board member before or during the Board's consideration of a matter, the Board shall treat this as a request that the member be excused from participation. Any request that a Board member be excused from participation must disclose the basis for the request.

Section 3. On concurring that an actual or apparent conflict of interest exists, the Board shall excuse the member from participation in the matter. On finding that an actual or apparent conflict of interest does not exist, the Board shall refuse the request and allow the member to fully participate in the matter. No actual or apparent conflict of interest shall be deemed to exist where the matter would similarly affect all citizens of Lee County and its planning jurisdiction (as generally with consideration of jurisdiction-wide policies and regulations), or where the Board member's bias, prejudice, relationship, or interest is so insignificant or so remote that it is unlikely to affect the member's actions in any way.

Section 4. If excused from participation in a matter, a Board member may not sit with the Board during its consideration of the matter, and may not vote on, discuss, advocate, influence, or otherwise take part in the Board's consideration of the matter, either in public or private.

## ARTICLE XII

### AMENDMENTS

These by-laws may be amended by a majority vote of the entire membership of the Planning Board.

Patsy Thomas  
Secretary

C. C. [Signature]  
Chairman

4-17-00  
Date

ADOPTED: April 3, 1967

AMENDED: May 6, 1968  
October 18, 1973  
August 15, 1989  
January 21, 1992  
April 17, 2000