

**BY-LAWS OF THE  
CARTERET COUNTY PLANNING COMMISSION**

**ARTICLE I**

**A. General Rules**

The Carteret County Planning Commission shall be governed by the terms of North Carolina Statutes, particularly Chapter 153A, Article 18, and other general and special acts relating to planning and related activities in Carteret County, as well as by the legislation that established the Commission. (Amended 4/3/2000)

"Robert's Rules of Order", in its most current edition, shall be used to determine the conduct of any affairs of the Planning Commission that are not covered by these By-Laws.

**B. Membership**

The Planning Commission shall consist of 9 (nine) members to be appointed to serve staggered 3-year (three-year) terms.

**ARTICLE II – Officers**

**A. Chairman**

Only members may serve as Chairman of the Planning Commission. A Chairman shall be elected by the members of the Planning Commission at the last regular meeting in December of each year before the close of the meeting to take office effective January 1<sup>st</sup> of the following calendar year or as soon as possible thereafter if there is no December meeting. Upon taking office, the new Chairman shall make known his or her intention of being a voting or non-voting member but shall always vote to break a "tie".

The Chairman shall preside at all meetings of the Planning Commission, decide all points of order and procedures subject to these rules, appoint all committees, and add items to the meeting agenda or rearrange their schedule of occurrence on the agenda.

The Chairman of the Planning Commission may call special meetings. Notification of special meetings shall be given no less than 48 (forty-eight) hours in advance of a special meeting.

In the absence of the Chairman, the Vice-Chairman shall preside over the meeting and, should both the Chairman and Vice-Chairman be absent from the meeting, those in attendance at the meeting shall choose an Acting Chairman from among their number.

**B. Vice-Chairman**

A Vice-Chairman shall be elected at the same time as the Chairman and in the same manner as the Chairman. The Vice-Chairman shall act on all matters requiring the services of the Chairman in the event of the absence or incapacity of the Chairman.

**C. Secretary-Treasurer**

The Planning Director or designee shall be the Secretary-Treasurer to the Planning Commission and shall maintain the Commission records, prepare or supervise the agenda and minutes of all meetings, and be responsible for all written correspondence of the Commission, and conduct all other normal duties of the office.

**ARTICLE III – Election of Officers**

In November of each year, the Chairman shall appoint 3 (three) members to serve as the Nominating Committee to make recommendations to the Planning Commission for the offices of Chairman and Vice-Chairman.

Annual elections shall be conducted during the regular December meeting, or as soon thereafter as is practical, for the term of 1 (one) calendar year beginning the following January 1<sup>st</sup>. Special elections shall be allowed at any time to replace officers who resign, are deceased, or are replaced by the County Commissioners or the governing bodies from whom they are appointed. The Nominating Committee shall convene to make recommendations immediately following notice of individual vacancies. Their recommendations shall be made at the next regular or special meeting of the Planning Commission during which an election for the vacant office(s) shall be held, and the officers shall be installed immediately. The nominations shall be conducted in the same manner as those for the annual elections.

The Nominating Committee shall consider those members whose terms of appointment do not expire before the next annual election, who agree to accept the nomination and serve in that capacity. Nominations can be taken from the floor. If more than one person is nominated from the floor, the election shall be conducted by secret ballot, rather than open voting.

**ARTICLE IV – Meetings**

**A. Regular Meetings**

Regular meetings of the Commission shall be held in the Carteret County Administration Building or at such other place as is directed by the Chairman.

## **B. Special Meetings**

Special meetings of the Planning Commission may be called at any time by the Chairman or by a majority of the Commission. When a special meeting is called by a majority of the Commission, at least 48 (forty-eight) hours notice of the time and place of special meetings shall be given to each member of the Commission. In addition, the Planning Director or designee shall notify the same media that receive notices of regular meetings. The item or items for discussion shall be limited to only those item (s) for which the special meeting was called.

## **C. Quorum**

A quorum shall consist of a majority of the members of the Planning Commission.

## **D. Vote**

Except as might be otherwise provided by ordinance, the vote of a majority of those members present shall be sufficient to decide matters before the Commission, provided at least a majority of the members are present. If a Commission member recuses himself or herself from voting because of conflict of interest or another legitimate reason, his/her failure to vote is treated as if he/she were not present at all.

If a Commission member refuses to vote without the permission of the Commission, this is an abstention, which shall count as an affirmative. Any other abstention shall be treated as a "yes" vote, also.

Except as might be otherwise provided by ordinance, a concurring vote of a majority of the full membership of the Planning Commission shall be necessary to reverse any previous decision or determination.

## **E. Order of Business**

The standard order of business in regular meetings shall be:

1. Approval of the Agenda
2. Approval of minutes
3. Zoning matters
4. Subdivision matters
5. Staff and Committee reports
6. Report of Planning Director
7. Adjournment

However, this standard order of business may be altered at the discretion of the Chairman, including adding other items of old or new business. The order of business for special meetings shall be set out in the meeting call.

## **F. Conduct of Meetings**

1. All meetings of the Planning Commission shall be open to the public. Each member shall be notified of each meeting by the Secretary at least 5 (five) days in advance of the regular meeting.
2. The Chairman, at his/her discretion, may impose time limits upon those desiring to speak
3. At the close of discussion on matters heard in public hearings, the Chairman may:
  - a. Call for a formal motion, a second, and a vote by the members for or against the motion;
  - b. Call for a formal motion, a second, and a vote by the members to table or continue the matter being heard until such time as additional necessary information may be obtained.

## **G. Ex parte proceedings**

Members shall use discretion in discussing with individuals scheduled agenda items, which are later to be voted upon by the Commission.

### **ARTICLE V – Conflict of Interest**

No member of the Commission shall seek to influence a decision, participate in any action, or cast a vote involving any matter that is before the Commission that may result in a private benefit to a member or his/her business interest, or to members of his/her immediate family, or their business interest.

### **ARTICLE VI – Attendance**

Attendance at official meetings of the Planning Commission is the responsibility of each member. Where it is found that an appointee has been absent 4 (four) times during any six-month period, he or she shall be automatically removed.

### **ARTICLE VII – Amendments**

These rules may be, within the limits allowed by law, subjected to the County Commissioners' review, amended at any time by an affirmative vote of not less than six of the regular members of the Commission, provided that such amendment shall have first been presented to the membership in writing at a regular meeting preceding the meeting at which the vote is taken.