

RULES OF PROCEDURE  
SPENCER PLANNING BOARD

PART I  
PLANNING BOARD

- 1-1 The official name of the Planning Board shall be the “Spencer Planning Board”, hereafter referred to as the “Planning Board”.

PART II  
OBJECTIVE AND PURPOSE

- 2-1 The primary objective of the Planning Board is to develop and maintain a continuing, cooperative planning program to benefit the people of the Town of Spencer.
- 2-2 The purposes of the Planning Board are:
- (a) To make studies of the Town and it’s surrounding area;
  - (b) To determine objectives to be sought in the development of the areas under study;
  - (c) To prepare and recommend plans for adoption by the Board of Aldermen achieving these objectives;
  - (d) To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
  - (e) To keep the Board of Aldermen and the general public informed and advised as to these matters; and
  - (f) To perform any other related duties that the Board of Aldermen may direct.

PART III  
MEMBERSHIP

- 3-1 Members of the Planning Board shall be appointed by the Board of Aldermen for designated terms in accordance with Article 4 of the Spencer Development Ordinance (SDO).
- 3-2 If a vacancy occurs on the Planning Board by reason of death, resignation, change of residence, or any other cause, it shall be filled by Board of Aldermen appointment for the duration of the unexpired term.

- 3-3 Each Board member shall be sworn by the Mayor or their designee before assuming any position on the Board in accordance with Section 4.2-3 of the SDO.

#### PART IV ELECTION OF OFFICERS

- 4.1 Annually, at the regular meeting of the Planning Board held in the month of January, a Chairman and Vice-Chairman shall be elected. These officers shall be elected for a term of one (1) year and may be re-elected for successive terms to the same office. Members shall be notified of the date, time and place of the election of officers, at least seven (7) days prior to the regular January meeting. Each officer shall serve until relieved of their duties as herein provided.
- 4-2 The Chairman or Vice-Chairman shall preside at all meetings and hearings of the Planning Board, appoint all standing and temporary committees, and have the duties normally conferred on such office. The Chairman or Vice-Chairman shall have the privilege of discussing all matters before the Planning Board.
- 4-3 In the event of the absence of both the Chairman and Vice-Chairman from a meeting of the Planning Board, the remaining members present may elect a temporary Chairman for that meeting and proceed with the order of business.
- 4-4 The Planning board may appoint from its membership or recommend that the Board of Aldermen appoint or hire a person(s) to serve as a secretary for the Planning Board. Said person (s) (hereinafter referred to as the “Secretary”) shall keep minutes and records of the Planning Board, prepare with the Chairman the agenda for regular and special meetings, attend to correspondence of the Planning Board and perform such other duties normally carried out by a Secretary.

#### PART V MEETINGS

- 5-1 Regular meetings of the Planning Board shall be held on the second Monday of each month at 7:00 p.m. in the Spencer Town Hall. Each member shall be notified of each regular meeting by the Secretary to the Planning Board. The Secretary shall also notify each Planning Board member of all joint Board of Aldermen/Planning Board meetings. Said meetings shall be considered Board of Aldermen meetings for purposes of determining the rules of conduct and procedure.
- 5-2 Special meetings may be called only by the Chairman, provided that at least forty-eight (48) hours written or oral notice of time of such meeting shall be given each member by the Secretary.
- 5-3 Four (4) members of the Planning Board shall constitute a quorum. A quorum shall be present before any business is transacted.
- 5-4 The Chairman shall decide all points of procedure unless otherwise directed by a majority of the Planning Board in session at the time.

- 5-5 All regular and special meetings of the Planning Board shall be open to the public.

PART VI  
ATTENDANCE

- 6-1 In order for the Planning Board to carry out its duties and responsibilities, it is necessary for all members to attend meetings. If any member is absent for three (3) consecutive regular meetings, the Chairman may direct the Secretary to notify such member in writing of their absences and if such member fails to attend the next regular meeting, the Planning Board, by a majority vote of the remaining members, may request that the position be vacated and that a replacement be made by the Board of Aldermen.

PARTVII  
ORDER OF BUSINESS

- 7-1 The order of business shall be as follows:
- (a) Call to Order
  - (b) Determination of Quorum
  - (c) Pledge of Allegiance
  - (d) Changes to and Approval of Agenda
  - (e) Approval of Previous Meeting Minutes
  - (f) Old Business
  - (g) New Business
  - (h) Adjournment/Continuation
- 7-2 Items of business at the regular meeting shall appear on the agenda. Business which is not identified on the agenda may be considered only after approval by a majority of the Planning Board in session at the time.

PART VIII  
CONFLICT OF INTEREST

- 8-1 No member of the Planning Board shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Board which may result in a private benefit to themselves, their immediate relatives or their business interest in accordance with Article 4, Section 4.2-6 of the Spencer Development Ordinance. In applying this rule, the following procedure shall govern.

A Planning Board member who believes there may exist a conflict of interest shall declare their possible conflict, the nature of the conflict, and ask for a determination by the Board. A majority vote of the remaining Board members present shall determine whether or not a conflict of interest exists. If determined that a conflict of interest does exist said member shall be excused from voting on that matter, but may voice their opinion, as a local citizen, on the matter.

- 8-2 A challenge of the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Board. Such a challenge may be an appeal for review of the finding of the Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Board shall be supported by competent evidence and shall be submitted to a properly convened meeting of the Board. If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall by majority vote rule on the objection as required by G.S. 160D-109(e). The Board shall hear all evidence and shall, by majority vote, make the final determination as to the existence of any conflict of interest.
- 8-3 Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of considerations because of the business or profession with which a member is associated.
- 8-4 Any person who abstains from voting without having first been excused by the Board as herein prescribed shall be deemed to have voted on the matter in an affirmative manner.

## PART IX RECORDS

- 9-1 The Secretary shall keep a record of the Planning Board's recommendations, transactions, findings and determinations. Said records shall be public and filed in the office of the Town Clerk in Spencer Town Hall.

## PART X ACTION BY BOARD

- 10.1 All actions of the Planning Board shall have been put before the Planning Board members in the form of a motion, duly seconded, and voted upon by all unexcused members present for a quorum except as provided in Section 8-4.
- 10-2 Voting shall be done by voice or hand. Only members present at the time a vote is taken shall be eligible to vote. If an issue before the Planning Board is carried

over from one meeting to another, a member may be able to vote on the issue if they did not attend the previous meeting at which item was discussed.

10-3 All members of the Planning Board have the right to vote on all matters except as specified in Section 8-1.

10-4 The Board shall refer to Rules of Procedure for Small Local Government Boards; Second edition; A. Fleming Bell. The Board shall refer to the current edition of Robert's Rules of Order Newly Revised, to answer procedural questions not resolved by the Rules of Procedure for Small Local Government Boards, so long as Robert's Rules of Order does not conflict with North Carolina law or with the spirit of these rules.

## PART XI ADOPTION AND AMENDMENT

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of a majority of the voting members of the Board, provided that such amendment be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Adopted this 12<sup>th</sup> day of April 2021.

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Jimm Mosher, Chairperson

Ratified by Board of Aldermen:

ADOPTED on this 8th day of June 2021, and made effective July 1, 2021

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Jonathan Williams, Mayor

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Stacy Craven, Town Clerk