

**RULES OF PROCEDURE OF THE
DESIGN REVIEW COMMISSION
OF THE CITY OF RALEIGH**

Pursuant to North Carolina General Statutes Section 160D-304 and City of Raleigh Unified Development Ordinance Section 10.1.5 the following rules of procedure are adopted by the City of Raleigh Design Review Commission.

ARTICLE I. ORGANIZATION

Section 1. Name

The name of this organization is the Design Review Commission (the “Commission”).

Section 2. Purpose

Pursuant to North Carolina General Statutes Section 160D-960, and as specified by the Unified Development Ordinance, the Commission performs the duties and responsibilities granted to community appearance commissions, and under North Carolina General Statutes Sections 160D-705 and 160D-301, as also specified in the Unified Development Ordinance, the commission performs the duties of the City of Raleigh Planning Commission to hear and decide quasi-judicial matters, conduct evidentiary hearings, and make quasi-judicial decisions, and, in addition, perform reviews and make recommendations upon streetscape plans and custom signage plans.

Section 3. Reserved

Section 4. Membership

The membership of the Commission shall be as set forth in the Unified Development Ordinance. For advisory and non-quasi-judicial matters, the Commission consists of fifteen members, all of which shall sit as regular members. When performing quasi-judicial functions, and when authorized by the Unified Development Ordinance to perform the duties of the City of Raleigh Planning Commission in the making of recommendations upon streetscape plans and upon custom signage plans, the Commission shall consist of a group of nine regular members and six alternate members. Part 1, Chapter 4 of the Raleigh Municipal Code sets forth the City’s regulations relating to board and commission membership. Pursuant to the City Code, a board or commission member’s initial term shall be for a period of two years with the option to be reappointed for additional terms, provided that a member’s total term of service does not exceed six consecutive years on any one board or commission. Additionally, a member cannot serve on more than two City boards or commissions at any one time.

Section 5. Residency

All persons selected for membership on any committee, commission, or board shall be residents of the City unless otherwise specified by the ordinance or resolution establishing the body. In cases where City residency is a requirement for membership, the member shall forfeit their seat upon removing their residence from the City.

Section 6. Resignation of Members

Should a Commission member need or choose to resign prior to the expiration of their term, written notice should be provided to the City Clerk.

Section 7. Term Expiration of Members

Members of the Commission shall continue service upon expiration of their term until their successor is named by City Council, unless a resignation is submitted in writing to the City Clerk.

Section 8. Removal of Members

Any member of the Commission who is absent without being excused from three (3) consecutive meetings or is absent from six meetings within a City of Raleigh fiscal year may, upon recommendation of the chair or otherwise designated officer, be removed or replaced by City Council.

ARTICLE II. OFFICERS

Section 1. Number

The officers of the Commission shall consist of a chair and a vice-chair. The chair and vice-chair must be regular members. The chair and the vice-chair shall be elected by a majority vote of the full membership of the Commission. This requires that no fewer than eight votes in-favor shall be required for the election of the chair and for the election of the vice-chair. The term of office shall be one year and/or until the successor is elected, beginning on September 1st of each year. The chair and the vice-chair shall be eligible for re-election. The vice-chair shall serve as chair in the absence of the chair, and at such times, shall have the same powers and duties as the chair.

Section 2. Election and Term

The nomination and election of the chair and vice-chair shall occur during the regular August meeting of the commission or as soon thereafter as is practical.

Section 3. Vacancies

In the event of a vacancy in the office of chair or vice-chair, the vacancy shall be filled by an election at the next regular meeting following the notification of the vacancy.

Section 4. Removal of Officers

Any officer elected by the Commission may be removed by the vote of two-thirds of the members of the Commission membership with or without cause at any regular or special meeting of the Commission, but no vote for the removal of an officer shall be effective unless notice of the proposed removal shall have been given to the members of the Commission at least 10 days in advance of the meeting. Such notice shall be sent by the chair at the request of the members proposing the removal.

Section 5. Delegation of Duties of Officers

In the case of an absence of any officers of the Commission, or for any other reason deemed sufficient, the Commission may delegate powers and/or duties of such officer to any member of the Commission.

Article III. MEETINGS

Section 1. Regular Meetings

The Commission shall hold regularly scheduled monthly meetings, except that the meetings in July or December may be canceled at the discretion of the chair. On occasions where there is no business or there exist impracticalities affecting the need or ability to meet, meetings may be canceled at the direction of the chair.

Section 2. Special Meetings

Special meetings may be called at the discretion of the chair.

Section 3. Commission Retreat

The Commission may hold retreats or for the purpose of discussions that may not be practical during regular or special meetings. Retreats require a quorum and are subject to the same notice requirements as for special meetings. Conduct, quorum, voting, actions, and minutes requirements are the same as for regular meetings.

Section 4. Notice of Meetings

All meetings shall be subject to the North Carolina Open Meetings Law as specified in NC General Statutes §143-318.10. Notice of such meetings shall be given as required by law. The Commission shall keep permanent minutes of its meetings, which shall include the attendance of its members and its resolutions, findings, recommendations, and other actions.

Section 5. Conduct of Meetings

All meetings shall be open to the public. Any question concerning parliamentary procedure at meetings shall be determined by reference to the most recent edition of Robert's Rules of Order except where such rules conflict with the laws of the State of North Carolina, ordinances of the City of Raleigh, or these Bylaws. Robert's Rules of Order may be suspended by a two-thirds vote of the Commission members present at any meeting. Except as otherwise provided in these Bylaws, the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the Commission. Attendance at all Commission meetings is expected by all Commission members. For purposes of quasi-judicial functions, if a circumstance arises so that a Commission member cannot attend, that Commission member should inform the Chair as soon as possible, so that an alternate can be timely secured. A member who is present shall in no instance be treated as absent.

Section 6. Quorum

A majority of the voting membership of the Commission, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for purposes of determining whether a quorum is present. One-half of the regular members shall constitute a quorum at a regular or special meeting of the Commission. However, the Commission shall not pass upon any quasi-judicial function when there is not a sufficient number of Commission members present for the Commission to rule in favor of an applicant on a quasi-judicial matter, in accordance with North Carolina General Statutes Section 160D-406(i).

Section 7. Voting

Each member of the Commission shall be entitled to one vote on each matter submitted to a vote at a meeting of the Commission. Voting on all matters shall be by voice vote or show of hands. Silence or failure to vote by a member shall be counted as an affirmative vote on the matter before the Commission. A record of the votes on all matters shall be placed in the meeting minutes. Any member who has a conflict of interest in any official act or action before the Commission under North Carolina General Statutes Section 160D-109(d) shall publicly disclose on the record such interest, withdraw from any consideration of the matter, request that the other members to vote to confirm that the conflicted member is recused, and leave the chamber during the consideration of the matter. If an objection is raised to a member's participation at or prior to the hearing or vote on a particular matter, whether self-raised by the member, or by another member, and that objected-to member does not request the committee's confirmation of recusal, the remaining members of the Commission shall by majority vote rule on the objection.

ARTICLE IV. COMMITTEES

Section 1. Number

The Commission's Sir Walter Raleigh Award committee is extant and continuing. City Council approval is required for the creation of a new committee and/or taskforce that would cause expenditures, enlarge the Commission's purpose, or depart from the Commission's purpose, except that, as provided by the Unified Development Ordinance, the Commission may, at its initiative and discretion, establish an advisory council or other committee to aid it in its work. Standing nominating committees shall not be established; however, the City Council may accept recommendations as it deems appropriate.

ARTICLE V. ANNUAL REPORT & WORK PLAN

Section 1. Reporting

Pursuant to City Council Resolution 2002-240, reports describing the activities, accomplishments, and proposed workplan for the Commission shall be developed and submitted or presented to the City Council annually. The workplan shall specify the Commission's areas of focus and activities for the upcoming year that are within the purview and scope of the Commission, incorporating any direction received from City Council. The workplan must be approved by City Council.

ARTICLE VI. RESERVED FOR (BOARD/COMMISSION) SPECIFIC RULES OF ORDER

ARTICLE VII. CONFLICT OF INTEREST & ETHICS

Section 1. Conflict of Interest

Members will avoid conflict of interest and any conduct which may suggest appearance of impropriety when exercising their responsibilities to the Commission per Resolution No. (1988) 955A entitled A Resolution to Clarify Ethical Responsibilities of Certain Commission and Commission Appointed by the Raleigh City Council.

ARTICLE VIII. MISCELLANEOUS PROVISIONS

Section 1. Conflict of Law

If any provision within these Bylaws conflicts with any applicable Federal, State, or local law, statute, ordinance, rule, or regulation, the applicable law, statute, ordinance, rule, or regulation shall supersede said provision and control.

Section 2. Amendment

These bylaws may be amended by the affirmative vote of two-thirds of the members of the Commission appointed to office, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken. No bylaw change is effective until approved by City Council.

Section 3. Non-Discrimination Policy

The Commission its agents, officials, directors, officers, members, representatives, agree not to discriminate in any manner or in any form the administration of its policies, programs, or in access to or treatment in any other program based on actual or perceived age, mental or physical disability, sex, religion, creed, race, color, sexual orientation, gender identity or expression, familial or marital status, economic status, veteran status or national origin in connection with the administration of its policies, programs, or in access to or treatment in any other program or its performance.