

# TOWN OF CHAPEL HILL



## TOWN COUNCIL PROCEDURES MANUAL

*Revised October 11, 2004*

---

# TABLE OF CONTENTS

## *PURPOSE*

### *I. MEETINGS*

A.	Definitions .....	1
1.	Regular .....	1
2.	Special .....	1
3.	<del>Adjourned</del> <b>Recessed</b> or Continued .....	1
4.	Joint .....	1
5.	Emergency.....	1
6.	a. Work Sessions, Informal Meetings, Committee of the Whole .....	2
	b. Work Sessions with Advisory Boards and Commissions .....	2
7.	Closed Session .....	2
8.	Social Gatherings .....	2
B.	Agenda of Council Meetings .....	2
1.	Preparation of the Agenda .....	3
2.	Request for Agenda Items .....	3
3.	Items on the Agenda .....	3
4.	Adding Items to the Agenda .....	3
5.	Order of the Agenda .....	3
6.	Removal of Items from the Agenda .....	4
7.	Delivery of Agenda and Packet to Council .....	5
8.	Distribution to the Public .....	5
C.	Meeting Procedures .....	5
1.	Presiding Officer .....	5
2.	Quorum .....	6
3.	Staff Presentation .....	6
4.	Discussion .....	6
5.	Order of Discussion .....	6

6.	Public Participation .....	6
7.	Petitions to the Council .....	6
8.	Time Limits .....	8
9.	Closed Session Procedures .....	8
10.	Parliamentary Procedure .....	9
D.	Action by the Council .....	13
1.	Ordinances.....	13
2.	Resolutions .....	13
3.	Motions .....	14
4.	As to Particular Matters .....	14
E.	Voting .....	15
1.	Routine .....	15
2.	Ordinance .....	15
3.	Protest .....	15
4.	Abstention .....	16
5.	Tie Votes .....	16
G.	<b>Public Hearings and Public Forums</b> .....	16
1.	Purpose .....	16
2.	Required by Law .....	16
3.	Notice of Public Hearings .....	17
4.	Procedure at Public Hearings .....	17
5.	Recess of Public Hearings .....	17
6.	<del>Adjournment</del> <b>Reconvening</b> of Public Hearings .....	17
7.	Special Use Hearings .....	17
8.	Subdivision Hearings .....	18
H.	Record of Council Action .....	18
1.	Minutes .....	19
2.	Minute Book .....	19
3.	Book of Ordinances .....	19

---

4.	Book of Resolutions .....	19
5.	Code of Ordinances .....	19

## **II. COMMITTEES**

A.	<del>Council Task Forces</del> <b>Committees</b> .....	20
B.	Citizen Task Forces .....	20
C.	Committees to which Council Members are Appointed .....	20
1.	Triangle J Council of Governments .....	20
2.	Firefighters' Relief Fund .....	21
3.	Joint Orange-Chatham Community Action, Inc. (JOCCA) .	21
D.	Council-Appointed Boards and Commissions .....	22
1.	Appeals Committee .....	22
a.	Personnel Appeals Committee .....	22
2.	Standing Advisory Boards and Commissions .....	23
a.	Bicycle and Pedestrian Advisory Board.....	23
b.	Chapel Hill Public Arts Commission .....	25
c.	Community Design Commission .....	26
d.	Greenways Commission .....	28
e.	Housing and Community Development Advisory Board .....	29
f.	Human Services Advisory Board .....	30
g.	Library Board of Trustees .....	31
h.	Parks and Recreation Commission .....	32
i.	<b>Stormwater Management Utility Advisory Board .....</b>	<b>32</b>
j.	Technology Committee .....	34
k.	Transportation Board .....	35
3.	Semi-Autonomous Boards and Commissions .....	35
a.	Board of Adjustment .....	36
b.	Historic District Commission .....	37
c.	Planning Board .....	38

---

4.	Autonomous Boards and Commissions .....	39
	<b>a. Downtown Economic Development Corporation .....</b>	<b>39</b>
	<b>a. b. Orange Water and Sewer Authority .....</b>	<b>40</b>
5.	Task Forces .....	40
6.	General Procedures .....	40
	a. Annual Report .....	40
	b. Orientation to Boards .....	40
	c. Reimbursement of Expenses .....	41
E.	Council Liaison to Boards and Commissions .....	41
F.	Nominations and Appointment Procedures .....	42
	1. Nominations and Appointment Process .....	44
	2. Term Expirations .....	44
	3. Consecutive Terms .....	44
	4. Oath of Office .....	44
	5. Ethics Guidelines .....	44
	6. Resignations .....	45
	7. Residence of Appointees .....	45
	8. Dual Membership .....	46
	9. Application File .....	47
	10. Applicants' Preference for Boards .....	47
	11. Full Term for Appointments to Vacancies Due to Resignations .....	47
	12. Leave of Absence .....	47
	13. Information on Composition of Membership .....	47
	14. Final Action .....	48
	15. Voting .....	48
<del>G.</del>	<del>Enabling Legislation .....</del>	<del>48</del>

---

### **III. GENERAL POLICIES AND PROCEDURES**

A.	Professional Meetings .....	50
1.	Attendance .....	50
2.	Expenses .....	50
3.	Procedure for Making Reservations .....	51
4.	Reimbursement .....	52
B.	Services and Materials Available to the Council .....	52
1.	Supplies .....	52
2.	Duplication .....	52
3.	Typing .....	52
4.	Periodicals .....	52
5.	Books .....	53
6.	Reference Materials .....	53
7.	Town Hall .....	53
8.	Voice Mail .....	53
<b>9.</b>	<b>Email .....</b>	<b>54</b>
<b>10.</b>	<b>Computers and High Speed Internet Access.....</b>	<b>54</b>
C.	Procedure for Evaluation of Town Manager and Town Attorney.....	54
1.	Purpose .....	54
2.	Evaluation Goals .....	54
3.	Evaluation Schedule .....	54
4.	Town Manager and Town Attorney Evaluation Form .....	55
D.	<del>Council Adopted Policies and Procedures</del> <b>Naming Public Facilities... 55</b>	
<del>1.</del>	<del>Naming Public Facilities</del>	
<b>a 1.</b>	<b>Establishing a Standing Committee on Naming Facilities ...</b>	<b>55</b>
<b>b 2.</b>	<b>General Procedures for Receiving and         Considering Proposals to Name and Rename         Town Facilities .....</b>	<b>55</b>

---

e 3.	Policies for Naming and Renaming Residential Streets .....	57
4.	<b>Consideration by the Council .....</b>	<b>57</b>
5.	<b>Policies for Naming and Renaming Residential Streets.....</b>	<b>58</b>
<b>E.</b>	<b>Council-Adopted Policies and Procedures.....</b>	<b>58</b>
<del>2.</del> 1.	Acceptance of Gifts .....	58
<del>3.</del> 2.	Authorization for Manager to Enter into Contracts .....	59
4. <del>3.</del>	Authorization for Manager to Enter into Encroachment Agreements .....	60
4. <b>4.</b>	<b>Authorization for Purchasing Agent to Dispose of Personal Property Valued at Less than Five Thousand Dollars (\$5,000) .....</b>	<b>61</b>
4. <del>5.</del>	Use of Public Streets .....	62
<del>5.</del> 6.	Selection of Architectural and Engineering Professional Services .....	64
a.	Public Policy .....	64
b.	Objectives .....	64
c.	Scope .....	66
d.	Procedures .....	66
7.	<b>Student Government Liaison to the Town Council.....</b>	<b>68</b>

***IV. OPEN MEETINGS LAW OF NORTH CAROLINA***

Open Meetings Law of North Carolina .....	69
---	----

***APPENDIX A***

Advisory Boards and Commissions, Ad-hoc Committees and Task Forces (updated semi-annually) .....	Begin new page 1
--	------------------

---

# TOWN OF CHAPEL HILL

## TOWN COUNCIL PROCEDURES MANUAL

### **PURPOSE**

The Town Council Procedures Manual is a reference guide that sets out the accepted practices and policies of the Council regarding how it conducts the business of the Town. The Procedures Manual references State statutes where applicable, as well as the Town Code of Ordinances and the Land Use Management Ordinance.

The Procedures Manual sets out the general and specific processes and procedures of the Council, including:

- the purpose and types of Council meetings;
- Council agendas and meeting procedures;
- types and descriptions of committees, as well as the appointment process;
- general policies and procedures of the Council; and
- Council-adopted policies and procedures.

The Procedures Manual includes an excerpt of the latest edition of the Open Meetings Law of North Carolina, provided in a question and answer format. Appendix A provides the most recent listing of all Advisory Board and Commission members, as well as their contact information and term expiration dates.

The Procedures Manual may be amended at any time at the Council's discretion.

---

## I. MEETINGS.

### A. Definitions.

1. Regular. Regular meetings are set by the Council at such times and places as it seems appropriate, except for the organizational meeting which falls on the first regular meeting date in December in odd numbered years (unless otherwise determined by the Council). North Carolina's Open Meetings Law requires the Council's regular meeting schedule be filed in the Office of the Town Clerk. The schedule is permanent and need be filed only once unless the regular meeting schedule changes. This filing is the only notice required by law for regular meetings. The Council adopts a regular meeting schedule ~~during August~~ **at the first business meeting after the summer break** of each year for the coming year. Most meetings are at 7:00 p.m. in the Council Chamber of the Chapel Hill Town Hall, 306 North Columbia Street, Chapel Hill, North Carolina.
2. Special. Special meetings may be called by the Mayor, Mayor Pro Tempore, or any two Council members. Notice of a special meeting and the purpose of such special meeting shall be given each member of the Council or a copy of the notice of the meeting shall be left at the member's residence at least six hours prior to the meeting. A special meeting is subject to the State's Open Meetings Law by its definition. Therefore, notice of time and place of the meeting must be posted on the door of the governing body's normal meeting room at least forty-eight (48) hours in advance and must be mailed or delivered (within the same time limit) to anyone who has requested such notice.
3. ~~Adjourned~~ **Recessed** or Continued. The Council may recess a meeting to a specified time, date and location without further notice to members of the public being required.
4. Joint. The Council has authority to hold joint meetings and public hearings with the governing bodies of other governmental units, and such joint meetings may be held in the jurisdiction of either body. They may be regular or special.
5. Emergency. Emergency meetings may be held to deal with an emergency at any time. The State's definition of an emergency meeting has two elements. First, the meeting must concern "generally unexpected circumstances," and second, those circumstances must require "immediate consideration" by the Council. All that is required is to notify any local

---

news medium that has requested notice. There is no minimum time period for this notice, and the meeting may be held as quickly as the members of the Council can gather.

6. a. Work Sessions, Informal Meetings, Committee of the Whole. The Council may hold work sessions, informal meetings, or committee of the whole meetings; however, no final action may be taken at such a meeting. The Open Meetings Law defines an informal meeting as any gathering of a majority of the Council for the purposes of considering or deliberating on the public business. Such a meeting is an official meeting of the Council and requires forty-eight hours' advance notice to the public.
- b. Work Sessions with Advisory Boards and Commissions. The Council **normally** meets once each year with each advisory board or commission. ~~The Council and board or commission jointly decide the date, time and duration of these work sessions.~~
7. Closed Session. Closed sessions may be held only when the Council has convened a meeting. See Section I.C.9 - Closed Session Procedures.
8. Social Gatherings. The law exempts genuine social gatherings of a majority of the Council from constituting an official meeting of the Council. That is, "a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article." (N.C.G.S. 143-318.10)

B. Agenda of Council Meetings.

The business of a Council meeting is controlled by the agenda prepared as hereinafter set forth. The agenda per se is not normally adopted by the Council. Items may be taken out of order upon motion and two-thirds vote, or by unanimous consent. Any business on the agenda may be considered by the Council, and if all members are present any business not on the agenda may be considered if there is no objection.

1. Preparation of the Agenda. The Town Manager, in consultation with the Mayor, prepares the agenda.
2. Request for Agenda Items. Items may be placed on the agenda by the following methods:

- 
- a. Request of the Mayor.
  - b. Request of a Council Member:
    - (1) At the petition time at the beginning of a meeting. (Such practice is usually limited to items for discussion only, or items of a non-controversial nature, which arise after the preparation of the agenda, or as an oversight. The Council discourages the use of this method for items requiring documentation and study, unless delivered in advance, or items of a controversial nature since public notice thereof has not been given in advance); or
    - (2) At the end of the agenda at the preceding regular meeting;
    - (3) At any time between meetings by request to the Manager.
  - c. Request of the Manager.
  - d. Request of the Town Attorney.
3. Items on the Agenda. No item shall be placed on the agenda until all necessary relevant reports, supporting data, and memoranda are available for distribution with the packet and the agenda.
  4. Adding Items to the Agenda. No item may be added to the Council's agenda during a meeting without the unanimous consent of all members present at the meeting.
  5. Order of the Agenda. The agenda shall be set in the following order:
    - a. Ceremonies.
    - b. Public hearings **or public forums**, if any.
    - c. Oral and written petitions **from citizens**.
    - d. Council announcements.**
- ~~d.~~ e. Consent Agenda - items of a routine nature will be placed on the Consent Agenda to be voted on in a block. The Mayor and the Manager will decide which items will be placed on the Consent Agenda. Consideration of **Council meeting** minutes shall normally

---

be the first item on the Consent Agenda. **Nominations to vacancies on boards or commissions shall normally be the second item on the Consent Agenda, or first if no minutes are scheduled for consideration.**

- ~~e.~~ **f. Staff reports and general information reports that do not require action.**
- ~~f.~~ **g. Old business items deferred or continued from previous meetings.**
- ~~g.~~ **h. Items having wide public concern or likely to result in the attendance of citizens interested in them.**
- ~~h.~~ **i. Routine matters of a housekeeping nature with less public interest.**
- ~~i.~~ **j. Appointments.**
- k. Council petitions.**
- l. Manager/Attorney petitions.**
- m. Discussion of consent agenda items, if necessary.**
- ~~j.~~ **n. Closed Session, if needed.**

6. Removal of Items from the Agenda. The Council may remove items from the agenda on the regular agenda or the Consent Agenda:

- a. Removal of an item not on the Consent Agenda may be requested by Council member(s) during the petition time.

If a Council member desires to have an item removed from the agenda of a meeting at which the Council member will not be present, a written request shall be distributed to the Council by the Friday prior to the meeting. At the meeting, the Mayor shall present the written request to the Council for a vote.

Five affirmative votes shall be necessary to remove an item from the agenda. Items removed, unless noted otherwise, will be placed on the agenda of the next similarly scheduled (regular or public hearing) meeting of the Council.

- b. Removal of Consent Agenda Items.

Any item may be removed from the Consent Agenda by the request of the Mayor or any member of the Council at the time during the Council meeting that the Consent Agenda is considered.

A Council member who wishes to remove an item from the Consent Agenda should so inform the Manager no later than 3:00 p.m. on the day of the Council meeting so that the Manager will be able to arrange attendance of staff as he determines necessary.

7. Delivery of Agenda and Packet to Council. The Council has directed that the agenda and all supporting materials (packet) be distributed to the Mayor and Council no later than Thursday evening preceding each regular meeting of the Council. Other mail or material may be delivered with the packet.
8. Distribution to the Public. Copies of the agenda, minutes and all related materials distributed with the packet will be made available to the news media, usually by the morning after they are delivered to the Council, depending on their length and the copying resources of the Town. A copy of the packet is also delivered to the Chapel Hill Public Library, usually by the morning after delivery to the Council. Copies of the agenda are made available for the public at each Council meeting.

C. Meeting Procedures.

1. Presiding Officer. Under the Charter, the Mayor is the presiding officer, and in the absence of the Mayor, the Mayor pro tempore. Neither General Law nor the Charter provide for a presiding officer in the absence of both the Mayor and the Mayor pro tempore. Parliamentary usage would permit the Council to select a Chair Pro Tempore from the quorum of members present for this purpose.
2. Quorum. Five members of the Council are necessary for a quorum. The Mayor is counted in determining whether a quorum is present. Each Council member is asked to notify the Mayor if he or she will be absent
3. Staff Presentation. Prior to discussion of each item on the agenda, the presiding officer may call upon the Town Manager or such other appropriate person for the purpose of background presentation of the business to be discussed.
4. Discussion. Parliamentary procedure (see Section I.C.10 - Parliamentary

---

Procedure) requires that a motion be on the floor prior to discussion. However, the practice of the Council, in some instances, has been to discuss an item on the agenda prior to a motion's being made. Persons other than the Mayor and Council members may enter into discussion on a matter only by ruling of the Chair. As with all rulings by the Chair, this decision may be overridden by a majority of the Council.

5. Order of Discussion. Parliamentary practices indicate that all members desiring to discuss a matter under consideration should be given an opportunity to do so prior to any member's being able to discuss the item more than once. The Council practice has not adhered strictly to this procedure.
6. Public Participation. Citizens who wish to speak on matters on the agenda may sign up with the Town Clerk at the beginning of the meeting and will be recognized when the Council reaches that item on the agenda.
7. Petitions to the Council. The Council hears petitions, either written or oral, at the beginning of each regular meeting. By resolution, the Council has agreed that:
  - a. Citizens may petition the Council regarding matters germane to Town policies or business but not appearing on the agenda at petition time. Citizens desiring to present such petitions are strongly encouraged to contact the Mayor's or Town Manager's office by the Tuesday before a Monday night meeting to indicate their desire to petition the Council and so that the agenda distributed to Council members will reflect their petition under the "petition" heading of the agenda.

Generally, petitions will be limited to three minutes per speaker. The Council may, by a two-thirds vote of those present, extend the time for petitions on any subject.

The Council strongly discourages petitions regarding a matter which recently has been, or which soon will be, before the Council as a public hearing item. Petition time is not intended to substitute for public hearings.

- b. Except in the case of urgency, petitions shall not be acted upon at the time they are presented. After hearing a petition, the Council shall, by simple motion, receive it and dispose of it as follows (receiving does not imply approval, agreement, or consent):

- 
- (1) Consideration at a future regular meeting of the Council; or
  - (2) Referral to another board or committee for study and report; or
  - (3) Referral to the Town Manager for investigation and report.
- c. It shall take a unanimous vote of the Council members present declaring a petition to be of unusual urgency for such petition to be acted upon immediately upon its presentation. Unless all members of Council are present, only petitions which have been distributed with the Agenda materials in advance may be considered for action upon their presentation.
- d. Members of the Council may also petition the Council, generally to ask the Town staff for a report on a particular subject. Petitions from Council members should be distributed to the Mayor and Council in writing prior to the meeting or at the start of the meeting.

8. Time Limits.

Exclusive of matters to be discussed in Closed Session, the Council will not begin discussion of an agenda item after 10:30 p.m. without the affirmative vote of two-thirds of those members present.

9. Closed Session Procedures.

- a. Permitted Topics for Discussion. The Open Meetings Law allows the discussion of limited topics during a Closed Session. The matters which appear most likely to concern the Town are as follows:
- (1) To consult with the Town's attorney in order to preserve the attorney-client privilege between the attorney and the public body. The Council may consider and give instructions to the attorney concerning the handling or settlement of a claim, judicial action or administrative procedure in Closed Session.
  - (2) To instruct the Town staff concerning the position to be taken on behalf of the Town in negotiating the price and other material terms of a contract for acquisition of an interest in real property.
  - (3) To consider the performance, qualifications or fitness of an employee or applicant for Town employment or office under the Council's jurisdiction. This provision does not allow

---

consideration of fitness or performance of a member or prospective member of the Council or another public body to be considered in Closed Session.

- b. Attendance. The Mayor and members of the Council and only those persons necessary for a discussion should be permitted to be present. Permitting unnecessary persons to be in attendance could lead to serious problems as to whether or not they were present as members of the public while other members of the public were excluded.
- c. No final action may be taken in Closed Session, except in a very few cases as provided by North Carolina Law. Minutes shall be kept of all Closed Sessions. Such minutes may be withheld from public inspection so long as public inspection would frustrate the purpose of a Closed Session. Where final actions in Closed Session is authorized, minutes indicating what action was taken would be required to be made public at a later date as provided by the Open Meetings Law.

Some of the decisions which can be made in closed session include:

- (1) decisions pertaining to the initiation defense or settlement of litigation, and
  - (2) decisions pertaining to the price to be paid to acquire real property.
- d. Calling a Closed Session. The Council may hold a Closed Session only upon a motion duly made and adopted at an open meeting. The motion shall cite one or more of the purposes permitted by the Open Meetings Law and shall otherwise conform to the requirements of the Open Meetings Law. Generally, the Town Attorney will be expected to prepare specific language for the Council to use in a motion to go into closed session.
  - e. Disclosure to the Public. The reason for permitting Closed Sessions at all indicates that the details of the subject matter should not be revealed, otherwise the purpose of the session is defeated. It is the Council's policy that any Council member present at a Closed Session may disclose whatever that Council member thinks or says about the matter, but not to disclose statements made by another person in expressing his or her opinion.

- 
10. Parliamentary Procedure. The Code of Ordinances of the Town of Chapel Hill states the following: "Parliamentary usages shall be the rules of government in the deliberations of the Council." (See Section 2-6 - Parliamentary Procedure to Control Council Meetings.)

The suggested parliamentary procedures set forth below are ~~offered~~ **adopted as guidelines** for ~~consideration by the Council. They have been compiled in the hope that their use by the Council will~~ **Their purposes are to** assist the Council in considering and acting upon business before it, assure a fair opportunity to all members to present their views, and insure an accurate recording of the Council's actions. It is to be noted that the Code does not require that Robert's Rules of Order be the guide in all deliberations of the Council. This is intentional in order to afford the Council the flexibility of acting in an accepted parliamentary manner without being limited to certain strict technical requirements which Robert's would impose. For example, when a motion is made and seconded, and stated by the chair, under Robert's this becomes the property of the Council and can be withdrawn only with the consent (by vote of the Council); whereas the common practice of the Council has been to permit the seconder to withdraw the second or the mover to withdraw the motion entirely. This seems to be the practically desirable result although it would not be the technically correct procedure under Robert's.

As hereinafter set forth, the Council acts by motion; however, the motion may be to adopt an ordinance, a resolution, or merely a simple motion. (See I.D. - Action by the Council.)

Motions are generally of two types:

- a. Main Motion. Such a motion is in order only when there is no other motion on the floor; or
- b. Subsidiary Motion. Such a motion is in order only when there is another motion already on the floor.

A main motion requires a second and when then stated by the presiding officer is before the Council. A motion failing to receive a second dies for lack thereof. A motion duly made and seconded, and stated by the Chair, becomes the property of the Council, and is then before the Council for discussion and debate. It is subject to amendment.

A motion to amend a main motion is always in order prior to final vote

and requires a second. A motion to amend does not change the subject of the motion it proposes to amend, and may be applied to any main motion except a motion to table, adjourn, reconsider, etc., but may change a portion of the motion by adding to, deleting from, or substituting different language, or meaning for a portion thereof. When a motion to amend has been duly made, accepted and stated by the chair, it must be voted upon prior to a vote on the main motion which it purports to amend. If the vote on the amendment passes, then a vote is taken on the main motion as amended.

If the vote on the amendment fails, the main motion (unamended) is still before the Council for action.

Although not allowed under Robert's, the Council allows a motion to be amended by the agreement of the mover and the seconder. A so-called "friendly amendment" may be proposed by any member of the Council.

A substitute motion is a subsidiary motion, and may be made only when a main motion is pending, and may be applied to any main motion (again, except for motions to table, adjourn, reconsider, etc.). Such a motion is one which, if adopted, would dispose of the matter under consideration. That is, if a substitute motion is adopted, it is substituted for the main motion and if finally approved the main motion is disposed of by substitution rather than by vote. Only one substitute motion may be pending at a time. A substitute motion requires a second and must be stated by the chair. The chair, in expressing the question before the body expresses it, "Shall the motion before the Council be substituted for the main motion?" If this motion passes, then the vote is on the substitution only, not on the merits and a second vote is required to adopt the substituted motion. If a substitute motion fails, the original motion is before the body.

A motion to table, except with respect to a motion to adjourn, is always in order. It is a subsidiary motion and if made, seconded and stated by the chair, must be disposed of prior to action on the motion to which it is addressed. Generally, such a motion may be to table to a certain time, or until a specified event, or table indefinitely or without limitation. If a motion to table fails, the motion which it addressed is before the Council for further action. If adopted, the matter is tabled under the terms of the motion. A motion to remove from the table is required, however, before the Council may consider the matter further. Both a motion to table and a motion to remove from the table

require seconds.

A motion to reconsider a previous action may be in order, at the same meeting at which the action was taken or at a subsequent meeting. For certain types of actions, however, the Council is limited in its ability to reconsider without following additional procedural steps. For example, an ordinance amended or a permit issued following notice and hearing requirements proscribed by ordinance or law cannot be modified without following procedures similar to those followed in the initial consideration. Where a motion to reconsider is in order, it must be made by a Council member who voted with the prevailing side on the action to be reconsidered. Such a motion requires a second and the seconder may be any member of the Council. When such a motion is made and seconded and stated by the chair, the question is, "Shall the Council reconsider its action on the matter to which the motion is addressed?" If such a motion fails, the matter is not reopened or reconsidered. If adopted, the motion is again on the floor for consideration, discussion and action.

A motion moving the previous question is a subsidiary motion and may be made only when a main motion is pending before the Council. Such a motion requires a second and when stated by the chair is to be voted on prior to any further action or discussion. Such a motion is not debatable. If the motion fails, consideration and debate continues. If such a motion passes, debate ceases, and an immediate vote must be taken on the same motion, or any amendments for substitution thereto prior to further discussion.

Rather than a motion, a Council member may "call for the question," in which event the Chair addresses the Council advising that the question has been called and inquires if there is any objection to ceasing debate. If there is objection, debate continues. If there is no objection, debate ceases and a vote is then taken.

The presiding officer is responsible for ruling on all motions as to their appropriateness, validity, and vote. Upon the request of any member a division may be required, or the presiding officer may order such a division (record vote of the individual members). Any ruling by the Chair may be appealed, and if appealed, the presiding officer states the question before the Council as "Shall the ruling of the Chair be upheld?" If upheld, that ends the matter. If by majority vote the ruling is not upheld, then the matter is determined in accordance with the vote.

A motion to go into closed session is always in order. Such a motion requires a second, and when stated by the chair is before the Council as a main motion to be disposed of. Such a motion can, however, be made only when there is no other motion pending before the Council.

A motion to adjourn: Pursuant to parliamentary procedure, a motion to adjourn is in order at any time from any Council member. The motion, once seconded, is not debatable and requires a simple majority for adoption. All regular and special meetings may be adjourned only by majority vote of Council approving a motion to adjourn.

Adjournment prior to completion of a meeting's scheduled agenda is an unusual occurrence, unless it is due to the length of the agenda itself and the lateness of the hour.

D. Action by the Council.

The Council, in exercising its legislative authority, acts either by ordinance, resolution, or motion. In other matters, such as the appointment of boards and commissions, the Council acts by simple nominating and electing processes. (See II.F. - Nomination and Appointment Procedures.)

1. Ordinances. Certain matters require that Council action be by ordinance. In general, these include exercise of the police power (the authority of a municipality to enact ordinances to promote the public health, safety, and welfare) by the Council; for example, zoning amendments, traffic regulations, budget ordinances levying taxes and appropriating revenues. Actions of this type affect the public generally.
2. Resolutions. In general parliamentary practice, whether an action may be authorized by a simple motion or whether it requires a resolution depends upon the scope of the contemplated action. However, Chapel Hill has traditionally taken almost all actions by resolution. For example, although actions such as awarding contracts, authorizing special requests, or authorizing a temporary street closing are limited actions which refer only to a particular matter and, as such, could be handled by a simple motion, Chapel Hill's practice has been to prepare resolutions for these actions. Resolutions also should be used for authorizing actions of broader scope such as establishing written policy.
3. Motions. Motions have been confined, for the most part, to approving minutes or directing that an ordinance or resolution be prepared for

---

consideration by the Council to consummate a particular desired course of action.

4. As to Particular Matters. Examples of these and the correct suggested procedures are set forth below.
  - a. Special Use Permits.
    - (1) To Grant a Special Use Permit. The appropriate motion, is: "I move the Council adopt Resolution (specify the TITLE of the resolution and its number)."
    - (2) To Deny a Special Use Permit. The appropriate motion, is: "I move the Council adopt Resolution (specify the TITLE of the resolution and its number)."
  - b. Zoning Change. The proper motion is "I move the Council adopt Ordinance (specify the TITLE of the ordinance and its number)."
  - c. Contracts. In all contract matters, the recommendation of the Manager is forwarded to the Council in the form of a resolution. It usually will be a recommendation to accept the low bid. The proper motion is "I move the Council adopt Resolution (specify the TITLE of the resolution and its number)."
  - ~~d. Releases and Refunds. The proper motion is that Council adopt a resolution authorizing the refunds and releases. (NOTE: State law requires that action of this type be only upon written request, the finding by the Council that certain facts exist, and that action with respect thereto be by resolution.)~~
  - e. d. Procedure for Adopting. Most ordinances and resolutions require only that some member move the adoption of the ordinance or resolution, another member second, and a vote be taken and recorded in the minutes. In certain instances, however, in connection with federally required resolutions and applications, and some bond ordinances and resolutions, it is required that three members be involved; one to introduce, one to move adoption, another to second, and then the vote. In such instances, the requisite procedure is called to the attention of the Council at the time for action.

E. Voting.

1. Routine. Although a quorum of the Council is five, a quorum cannot act by simple majority. The affirmative vote of five members of the governing body to take **almost all** actions. Any motion not receiving the required vote is not defeated, but merely fails adoption. (See Section 5, below.)
2. Ordinance. General law provides that no ordinance (except for budget, bond order and franchise ordinance) may be ~~adopted~~ **enacted** at the meeting it is introduced unless it receives two-thirds vote. An ordinance failing to receive the requisite vote merely goes over to the next regular meeting of the Council for a second vote before becoming final. At second reading, an ordinance requires only five votes to ~~pass~~ **be enacted**.
  - a. Budget Ordinances. A budget ordinance may be adopted by simple majority at any regular or special meeting of the Council. This provision is designed to expedite the fiscal operations of the Town.

- 
- b. Bond Order. The certificate must indicate the split. A five-four split on adoption of a bond ordinance could raise serious questions with bond counsel.
  - c. Franchise Ordinances. To adopt an ordinance granting a franchise, the ordinance must be approved at two regular meetings of the Council. Such meetings need not be consecutive, but approval must be by a five vote majority vote at both such meetings.
3. Protest. In matters involving amendments to the Zoning Ordinance having to do with zoning regulations applicable to particular areas, State law provides that a protest petition may be filed. If such a petition is timely filed and correctly executed, this will be called to the attention of the Council at the time of final voting. In the event such a valid petition is filed, the rezoning ordinance cannot be ~~adopted~~ **enacted** except by three-fourths vote of the Council.
  4. Abstention. **By State statute, No** member of the governing body may be excused from voting on any matter before the Council except in matters involving the consideration of his or her own financial interest or official conduct. **In all most** other cases, the failure to vote by a member who is physically present or has withdrawn without being excused (preferably by a majority vote of the remaining members present) shall be recorded as an affirmative vote. This rule does not apply where the matter being voted upon is not a motion but rather offers the Council more affirmative choices than just approval or disapproval of a specific ordinance or resolution. For example, if the Council is voting on appointments to an advisory board a Council Member may elect to turn in a signed, unmarked ballot. **Certain other circumstances may make abstention from voting appropriate in case involving quasi-judicial proceedings. These are reviewed during Council orientation by the Town Attorney.**
  5. Tie Votes. In the event that voting on an item being deliberated for the first time results in a tie, then the item is carried over for consideration at the next regular meeting. If that same item receives a tie vote at its second, third, fourth, etc., consideration with one or more members of the governing body absent, the item is again carried over. Should any consideration of an item, after the first consideration, result in a tie vote when all members are present (one or more excused from voting), the item is removed from the agenda as if it had never been before the Council.

---

These principles shall also apply to occasions where there is not a tie vote, but where a matter has received less than the required vote to constitute a decision on a particular matter.

F. Public Hearings and Public Forums.

1. Purpose. The purpose of public hearings is to permit public input and discussion. Newspaper and other media notice are given. Generally such hearings are of two types:
  - a. Those called by the Council in its discretion (**often referred to as public forums**); and
  - b. Those required by law.
2. Required by Law. Certain public hearings, for example those on zoning changes, subdivision applications, special use permits, the annual budget, assessment rolls, and federal programs are all examples of public hearings required by various regulations.

Present ordinances provide that public hearings on land use matters may be held normally on the third Monday in January, February, March, April, May, June, September, October, and November. The Council may schedule a public hearing at any time on its own motion.

3. Notice of Public Hearings. Various regulations prescribe the minimum notice and advertisement time, usually by publication in a newspaper. The time required varies with the subject of the hearing. Generally it is between ten and fifteen days. There is generally no legal form of notice required, only that the notice be of sufficient clarity and fullness to give the public an idea as to what the subject matter will be, when and where the hearing will be held, and where additional information may be obtained.
4. Procedure at Public Hearings. No precise statutory procedure exists for the conduct of public hearings. The Council has informally determined the format to be:
  - a. Description and explanation of the request or proposal and questions with respect thereto;
  - b. Hearing from the public on the proposal;

- 
- c. Comments or questions from members of the Council;
  - d. Referral to the Manager or appropriate agency.
5. Recess of Public Hearings. Hearings on Master Plans, Special Use Permits and Subdivisions shall be recessed to allow the Manager's follow-up report to be submitted under oath and subject to cross examination prior to adjournment of the hearing and consideration by the Council. Unless otherwise reopened by action of the Council, public hearings shall in all other respects conclude at the end of the initial regularly advertised and conducted public hearing.
  6. ~~Adjournment~~ **Reconvening** of Public Hearings. Pursuant to General Statute, the Council may continue a public hearing from time to time without further advertisement, **as long as the date, time and location for reconvening are specified at the time the hearing is postponed.**
  7. Special Use Hearings. The Supreme Court of North Carolina has held that the Council, in conducting a special use hearing, is acting as a quasi-judicial body which finds facts based upon evidence presented to it. Witnesses desiring to give evidence must be sworn; this oath is to be administered by the Town Clerk. In the event there are opposing views, both sides must be given a reasonable opportunity to examine or cross-examine witnesses. The Council may consider, in making its final decision, only evidence submitted to it under oath at the public hearing which has been subject to the appropriate rules of procedure. Unless withdrawn with the permission of the Council or found fatally defective by reason of improper legal notice, etc., the only appropriate action for the Council following a special use or rezoning hearing is to refer the matter to the Manager for his/her consideration and recommendation.
  8. Subdivision Hearings. Subdivision hearings shall be conducted in the manner of special use hearings, with testimony presented under oath and a reasonable opportunity made available for examination and cross-examination of witnesses. The Council may consider, in making its final decision, only evidence submitted to it under oath at the public hearing, which has been subject to the appropriate rules of procedure. A summary of Council actions will be prepared as soon as possible following each Council meeting.

G. Record of Council Action.

1. Minutes. General Statute requires that full and accurate minutes of the

---

Council proceedings shall be kept and shall be open to inspection to the public. Parties wishing to examine Council minute books, ~~listen to audio tapes~~ or view videotapes of prior Council meetings may do so in the Office of the Town Clerk during regular business hours. A brief statement indicating this availability shall be made on the cover sheet of draft minutes of regular Council meetings. ~~Present Statute~~ **State law** requires the ayes and noes of every vote be recorded in the minutes. The minutes as prepared for the consideration by the Council are draft minutes, and only when corrected and approved and entered in the official minute book do they become the official minutes of Council action. As soon as possible after each meeting, the Town Clerk shall distribute draft minutes to the Mayor and Council for review and revisions. The period for reviewing the minutes and returning revisions to the Town Clerk shall be at least 7 days. After revision of the draft minutes as needed, the Manager will place the final draft minutes as recommended on the Consent Agenda.

2. Minute Book. There is maintained in volumes in the Office of the Town Clerk the official Minute Book of the Council. In this are kept all notices, waivers of notices of special meetings, election results, as well as the minutes of the Council containing all ordinances and resolutions adopted by the Council.
3. Book of Ordinances. ~~General Statute requires t~~ The Town to maintain a Book of Ordinances, separate and apart from the official Minute Book, ~~Such a book is maintained~~ in the Office of the Town Clerk. Each ordinance is entered herein and assigned a sequential ordinance number for the calendar year in which adopted prior to January, 1986; and a sequential ordinance number for the meeting day, month and year, beginning in January, 1986. For example, 79-O-1 being the first ordinance adopted by the Council in calendar year 1979, and 86-1-13/O-1 being the first ordinance adopted at the January 13, 1986 Council meeting.
4. Book of Resolutions. The Town maintains a Book of Resolutions separate and apart from the official Minute Book and Ordinance Book, and into this permanent volume are entered all resolutions adopted by the Council. All resolutions, like ordinances, are assigned a sequential number for the calendar year prior to January, 1986; and a sequential resolution number for the meeting day, month and year, beginning in January, 1986. For example, 79-R-1 being the first resolution adopted by the Council in calendar year 1979, and 86-1-13/R-1 being the first resolution adopted at the January 13, 1986 Council meeting.

5. Code of Ordinances. ~~Although now required by General Statute, the Council some time ago adopted a Code of Ordinances with periodic supplements in loose leaf form.~~ The Code of Ordinances contains in codified form all general ordinances adopted by the Council except those of a technical nature, ~~zoning ordinances~~, and budget ordinances. Such ordinances excluded from the Code are bound and supplemented separately. Technical ordinances; i.e., the State Fire Code, the Building Code, the Electrical Code, etc., are maintained in separately-bound volumes and are available in the Office of the Town Clerk. ~~Each Council member and the Mayor are given copies of the Code of Ordinances at their swearing in.~~ **Copies of the Code of Ordinances are located in the offices of the Mayor and the Council at Town Hall for their use.** Such copies are updated periodically throughout the members' terms.

---

## II. COMMITTEES.

### A. Council Task Forces Committees.

The ~~Mayor~~ **Council** may, from time to time, ~~appoint~~ **establish** committees or task forces made up of Council members, ~~to do a specific task in a limited time.~~ ~~The Council has no standing committees~~ **which may include other participants as well, for a specific task or project. In addition, the Mayor has historically established and appointed, on his or her own initiative, committees to provide to the Mayor recommendations and advice on Town matters.**

**The Council Naming Committee is the only standing Council committee (see Section III.D.)**

### B. Citizen Task Forces.

The Council may, from time to time, appoint a Citizen Task Force to examine and make recommendations on a specific issue. Such Task Forces have specific purposes and are of limited duration. They may or may not include one or more Council Members or the Mayor. The Council may delegate the task of appointing members of a Task Force to the Mayor.

### C. Committees to which Council Members are Appointed.

#### 1. Triangle J Council of Governments.

- a. Purpose. General Statute provides for the Triangle J Council of Governments. The COG exists as an intergovernmental forum for discussion of regional issues of joint concern. The COG also acts as a regional planning agency.
- b. Number and Type of Members. The COG is composed of delegates from counties and municipalities in the COG region that pay annual dues.
- c. Length of Term. Delegates are appointed to serve two-year terms.
- d. Chapel Hill Appointment. The Town Council appoints one (1) delegate and one (1) alternate to the Triangle J COG.

#### 2. Firefighters' Relief Fund.

- 
- a. Purpose. General Statute requires a local Board of Trustees to be appointed to administer the fund. The Board has entire control of the funds including disbursement for specific purposes. It is responsible for maintaining a correct account of all monies received and disbursed, and it renders an itemized statement of same at the annual meeting of the North Carolina State Firefighters Association for publication in the Annual Report to the State Insurance Commissioner.
  - b. Membership, Appointment, and Length of Term. The Board consists of five members: two (2) elected by and from the local Fire Department membership (two-year, staggered terms), two (2) appointed by and from Council membership (two-year, staggered terms), and one (1) representative appointed by the Commissioner of Insurance to serve a one-year term.
3. Joint Orange-Chatham Community Action, Inc. (JOCCA).

- a. Purpose. The Joint Orange-Chatham Community Action agency is a non-profit corporation established in 1965 in accordance with the Economic Opportunity Act of 1964. The Community Services Block Grant of 1981, however, transferred the authority for direct administration of community action to the states. In North Carolina, this responsibility rests with the North Carolina Department of Environment, Health and Natural Resources.

The mission of the Joint Orange-Chatham Community Action, Inc. is to identify and define the causes and extent of poverty in Orange and Chatham Counties and to coordinate with local governments and agencies in order to focus all available resources and community facilities on the elimination of the causes and the results of poverty.

- b. Number and Types of Members. The Board of Directors of JOCCA consists of 21 persons. Of these, six represent private agencies, seven are public representatives, and eight are representatives of the poor. The public representatives are designated by the Chatham County Board of Commissioners (3) and by the Orange County Board of Commissioners (4). The representatives of the poor are chosen by vote in JOCCA precincts in Chatham County (4) and in Orange County (4).
  - c. Length of Term. Members of the Board of Directors serve five-year terms. An exception is made in the case of public representatives who
-

---

may serve a shorter term as determined by the various units of local government.

- d. Chapel Hill Appointment. The public representative from the Town of Chapel Hill is designated by the Orange County Board of Commissioners after nomination by the Council. It is the policy of the Chapel Hill Town Council that the Council will nominate (or re-nominate) one of its members each two years on the occasion of the first meeting after the election of new members to the Council.

D. Council-Appointed Boards and Commissions.

The Council appoints various citizen boards and commissions: some act in an advisory capacity that the Council may be fully informed when creating ordinances, policies, and procedures for the Town; some act autonomously to relieve the Council of various administrative functions. Each of these boards is one of the following types:

- Appeals board;
- Standing advisory board;
- Semi-autonomous board or commission;
- Autonomous board or commission; or
- Task forces or ad hoc study groups.

(Existing Town boards and commissions are described on the following pages.)

1. Appeals Committee.

a. Personnel Appeals Committee.

- (1) Purpose. The Committee, created by ordinance, conducts grievance and appeal hearings for Town employees and renders advisory opinions to the Manager. It develops and maintains adequate records of all its proceedings, findings, and recommendations. Finally, the Committee informs the employee(s) and the Manager in writing of its findings and recommendations in all cases referred to it.
- (2) Number and Type of Members. The Committee consists of seven (7) citizens of the Town, appointed by the Council. No employee or officer of the Town shall be eligible to serve on the Committee.

- 
- (3) Length of Term. Members serve three-year terms and shall not be eligible for more than two consecutive three-year terms.
  - (4) Appointment. The Council appoints the Committee members.

2. Standing Advisory Boards and Commissions.

- a. Bicycle and Pedestrian Advisory Board.

- (1) Purpose. The Bicycle and Pedestrian Advisory Board was created by ordinance with the following powers and duties:
  - Advise the Council regarding the creation, development, and revision of a phased Walks and Bikeways Master Plan.
  - Set priorities for new facilities or enhancement of existing routes in the Walks and Bikeways Master Plan.
  - Identify and prioritize critical gaps in facilities; advise which critical gaps require Town action.
  - Review project designs related to proposed bicycle and pedestrian improvements, including review of new proposals for subdivision or development of land or improvements to existing subdivisions and developments, and recommend qualitative enhancements, following criteria established by the Commission.
  - Recommend walks and bikeways priorities for local, State, and federal, projects.
  - Assist in identifying alternative funding sources for walks and bikeways projects.
  - Review Town ordinances with respect to pedestrian and bicycle requirements and recommend enhancements or changes.
  - Review State and regional policies pertaining to pedestrian and bicycle facilities and recommend changes that fit local community needs.
  - Report annually to the Council regarding walks and bikeways

---

system needs and priorities for consideration during capital improvements program and budget deliberations.

- Promote walking and biking as alternate modes of transportation, with emphasis on educating school age children on safe, effective bicycling and walking.
- Advocate services for bike-commuters, such as showers, changing areas and secure bicycle parking facilities.
- Work with regional organizations to coordinate regional bikeway linkages.
- Work with other Town advisory boards to coordinate walks and bikeways planning.

- (2) Number and Type of Members. The Bicycle and Pedestrian Advisory Board is composed of ten (10) members appointed by the Council, of which ~~two (2)~~ **one (1) is a representative** from the Town of Carrboro, ~~and one (1) is a representative~~ from Orange County, **and one (1) is a representative outside the town limits of Chapel Hill from either Durham City/County or Chatham County.** The University appoints one (1) representative from their bicycle management.
- (3) Length of Term. Members serve staggered, three-year terms, and shall not be eligible for more than two consecutive three-year terms.
- (4) Appointment. The Council appoints the Chapel Hill, Carrboro and Orange County representatives to the Bicycle and Pedestrian Advisory Board. The University appoints one (1) representative from their bicycle management.

***Enabling Legislation: Consult the Code of Ordinances, Chapter 2, Article XII (2-170 and following).***

***Established by Ordinance (99-2-8/O-6), as amended by enactment of Ordinance (2004-09-07/O-3).***

- b. Chapel Hill Public Arts Commission.

---

(1) Purpose. The Chapel Hill Public Arts Commission was created ~~through~~ **by** resolution and based on the following principles:

- The Endowment shall be funded primarily from gifts and grants.
- The interest earnings and a limited amount of the principal of the Endowment shall be used to enhance Town buildings, and areas such as public parks and plazas, through the display and occasional purchase of works of art by local artists.
- The Commission shall be responsible for making recommendations to the Council on using Endowment funds and other monies from private gifts and any other fundraising activities for displays and occasional purchases, fundraising and handling operational matters such as scheduling, publicity and other matters associated with the public display of works of art.
- **The Council, by adoption of a resolution, has directed the Town Manager and the Chapel Hill Public Arts Commission to take the required steps to establish the Commission as a non-profit corporation, to negotiate a performance agreement for the Council's consideration that would allow the Commission to meet its obligations, carry out a work program approved by the Council, and comply both with Internal Revenue Service requirements and governmental accounting standards.**

**Once these steps are completed and the Chapel Hill Public Arts Commission's status has been amended, information about the Commission will be relocated to Section D.4., Autonomous Boards and Commissions.**

- (2) Number and Type of Members. The resolution specifies that the Council will appoint up to eighteen individuals with special knowledge, interest or expertise in the arts.
- (3) Length of Term. Members serve staggered, three-year terms and shall not be eligible for more than two consecutive three-year terms.
- (4) Appointment. The Council appoints the members of the Commission.

*Established by Resolution (98-11-9/R-6), as amended by Resolution (2004-06-30/R-21.1).*

c. Community Design Commission.

- (1) Purpose. The Community Design Commission was created through ordinance to function generally as follows:
  - To initiate, promote and assist in the implementation of programs of general community beautification in Chapel Hill and its environs;
  - To seek to coordinate the activities of individuals, agencies, organizations and groups, public and private, whose plans, activities and programs bear upon the appearance of Chapel Hill and its environs;
  - To provide leadership and guidance in matters of design and appearance to individuals, organizations and groups, public and private;
  - To make studies of the visual assets and liabilities of the community, including surveys and inventories of an appropriate nature, and to suggest standards and policies of design for the entire community, or any individual project to be undertaken therein;
  - To prepare both general and specific plans for the improved appearance of the Town of Chapel Hill and its environs; and
  - To participate in the implementation of the foregoing plans in

---

ways deemed appropriate by the Council.

- (2) Number and Type of Members. The Community Design Commission is composed of ten (10) members appointed by the Council and one representative appointed by the Planning Board, Parks and Recreation Commission, Transportation Board, Greenways Commission, and Historic District Commission, each with full voting privileges. The ordinance specifies that all members of the Commission shall reside within the corporate limits of Chapel Hill, and a majority of the members shall have demonstrated special training or experience in a design field, such as architecture, landscape design, horticulture, city planning, or a closely related field.
- (3) Length of Term. Members serve staggered, three-year terms and shall not be eligible for more than two consecutive three-year terms.
- (4) Appointment. The Council appoints the members of the Commission.

***Enabling Legislation: Consult the Land Use Management Ordinance, Article 8, Section 8.5 and following.***

d. Greenways Commission.

- (1) Purpose. The general functions of the Greenways Commission are as follows:
  - To develop and propose for Council consideration a master Greenways Plan, and identify potential property and easements to accomplish the Greenways Plan.
  - To advise Council on the status of needs of the greenway system, recommend property to be acquired, and recommend and promote alternative funding sources for acquisition and maintenance of greenways.
  - To work with neighborhoods, community groups and regional organizations to promote greenways development and maintenance.
  - To review proposals for development of land in the greenway

---

corridors and make recommendations to the Council and Planning Board regarding provision or dedication of property or easements to accomplish the Greenways Plan.

- (2) Number and Type of Members. The Greenways Commission is composed of seven members. All of the Commissioners are appointed at large and shall reside within the corporate limits of the Town.
- (3) Length of Term. Members shall serve staggered three-year terms, and shall not be eligible for more than two consecutive three-year terms.
- (4) Appointment. The Council appoints the Commissioners.

*Enabling Legislation: Consult the Code of Ordinances, Chapter 2, Article X (2-150 and following).*

e. Housing and Community Development Advisory Board.

- (1) Purpose. The Housing and Community Development Advisory Board is charged by ordinance with the following powers and duties:
  - Approve public housing procedures, in accord with HUD regulations and within the budgetary and service levels authorized by the Council, regarding terms of lease, occupancy, late rent fees, pet policy, resident transfers, and other applicable regulations.
  - Assess and update the public housing needs of the community and alert the Council to changes in these needs.
  - Serve as liaison with the public housing residents' organizations. Provide time at each meeting for a report from the residents' organizations and remarks by any residents. Hold an annual meeting with residents to hear needs, concerns, complaints, **and** ideas.
  - Recommend a tenant grievance policy, in accord with HUD regulations, for the Council's consideration and adoption. Serve as grievance panel for those tenant grievances not

---

settled at the staff level.

- Advise the Council with respect to public housing funding needs at the beginning of the budget cycle and make recommendations to the Council regarding the recommended budget and fiscal policies.
- Work with other human service organizations in the community and coordinate services to residents of public housing and help assure that residents are provided with social services to which they are entitled.
- Advise the Council regarding housing initiatives, programs, and services.

- (2) Number and Type of Members. The ordinance specifies that nine members shall "be representative of the entire community." Three (3) members shall be current residents of public housing in Chapel Hill or Carrboro. One (1) member shall be a citizen of the Town of Carrboro.

**If a seat designated for a resident of public housing remains vacant after one year of recruitment efforts, the seat shall be filled by an at-large Chapel Hill applicant. If this occurs, any future at-large vacancy shall be filled by a resident of public housing, providing there is an application from a public housing resident on file with the Town Clerk and the Council votes to make the appointment, until such time as three seats on the Board are held by public housing residents.**

- (3) Length of Term. Members shall serve staggered three-year terms, and shall not be eligible for more than two consecutive three-year terms.
- (4) Appointment. The Council appoints members of this Board.

***Enabling Legislation: Consult the Code of Ordinances, Chapter 2, Article XI (2-160 and following).***

---

*Amended by Ordinance (2004-06-30/O-10).*

f. Human Services Advisory Board.

- (1) Purpose. The Human Services Advisory Board was created through ordinance to alert the Council to changes in human service needs in Chapel Hill, to assure that Chapel Hill citizens receive services to which they are entitled, coordinate delivery of human services with other agencies, advise the Council of human service funding needs, and other responsibilities as may be established by the Council.
- (2) Number and Type of Members. The ordinance specifies that seven members shall "be representative of the entire Chapel Hill community, its needs, aspirations, and values. The Board shall not be an advocacy group to lobby for or represent special interests. Members of the Human Services Advisory Board may serve as a board member or as paid or non-paid staff of a human service agency only if that agency does not apply for or receive funding from the Town."
- (3) Length of Term. Members serve staggered, three-year terms, and shall not be eligible for more than two consecutive three-year terms.
- (4) Appointments. The Council appoints members of this Board.

*Enabling Legislation: Consult the Code of Ordinances, Chapter 2, Article VII (2-120 and following).*

g. Library Board of Trustees.

- (1) Purpose. The Library Board of Trustees is responsible for ~~formulating~~ **recommending** long-term plans, policies, and programs of library service throughout the community. It advises the Mayor and Council on library matters, develops plans for library facilities, and ~~approves~~ **recommends** operating policies of the library. The Trustees are also responsible for the ~~supervision~~ **monitoring** of non-budgeted gifts and donations received by the library.

- 
- (2) Number and Type of Members. There are seven trustees appointed by the Council and one appointed by the County, for a total of eight members.
  - (3) Length of Term. Members serve staggered, four-year terms, and shall not be eligible for more than two consecutive four-year terms.
  - (4) Appointment. The Council appoints the seven Town Trustees.

***Enabling Legislation: Consult the Code of Ordinances, Chapter 2, Article IX (2-140 and following).***

h. Parks and Recreation Commission.

- (1) Purpose. The basic function of the Commission is to promote recreation for the citizens of Chapel Hill. The Commission serves as the recreation policy advisory body for the Department of Parks and Recreation and the Town. It consults with and advises the Council on matters affecting the overall recreational policies of the Town, the acquisition and use of lands and properties related to the total community recreation program, and its long-range projected programs for recreation, parks, and playgrounds.
- (2) Number and Type of Members. There are ten Commissioners appointed by the Council. All of the Town appointed Commissioners are appointed at large and shall be residents of the Town and one additional member appointed by the County, for a total of eleven (11) members.
- (3) Length of Term. Members serve staggered, three-year terms and shall not be eligible for more than two consecutive three-year terms.
- (3) Appointment. The Council appoints the Commissioners.

***Enabling Legislation: Consult the Code of Ordinances, Chapter 12, Article II (12-17 and following).***

i. Stormwater Management Utility Advisory Board.

- 
- (1) **Purpose.** The Stormwater Management Utility Advisory Board was established in Chapter 23, Article 1, Sec. 23 of the Code, and is charged with the following responsibilities:
- Provide recommendations regarding the identification and implementation of new stormwater management program activities.
  - Review and provide recommendations on the Stormwater Management Program Master Plan.
  - Provide recommendations concerning gaps or inconsistencies in Town stormwater management services, facilities, programs, policies, and regulations and recommend improvement alternatives.
  - Provide recommendations for priorities and scheduling of watershed master planning and development of drainage basin plans.
  - Assist Town staff in working with stakeholder groups to implement program objectives and activities.
  - Assist Town staff with public education and outreach activities that promote the Town's Stormwater Management Program.
  - Assist Town staff in meeting the mission and achieving the identified goals and objectives of the Town's Stormwater Management Program.
  - Provide recommendations for internal program evaluation and reporting mechanisms, and assist Town staff in periodically reporting to the Town Council on program effectiveness.
- (2) **Number of Types of Members.** The ordinance specifies that the Stormwater Management Utility Advisory Board shall consist of nine (9) members appointed by the Town Council. All appointees shall reside within the corporate limits of the Town of Chapel Hill during their terms of service. Board representation shall include three members who are

---

single-family residential property owners, five members who are owners or employees of companies owning property used for multi-family, business, commercial, or non-profit purposes, and one member employed by the University of North Carolina at Chapel Hill.

(4) **Length of Terms.** Members serve staggered, three-year terms, and shall not be eligible for more than two consecutive three-year terms.

(5) **Appointment.** The Council appoints members of the Board.

*Enabling Legislation: Consult the Code of Ordinances, Chapter 23, Article I (23-2 and following).*

*Established by Ordinance (2004-06-14/O-9).*

i. j. Technology Committee.

(1) **Purpose.** The Technology Committee was created to develop short and long range plans for addressing communication and technology needs, review and advise the Council and staff on technical-related proposals, including related purchases and address the following non-restrictive list of subjects:

- Computer networks
- Computer applications such as e-mail, financial data processing, record keeping imaging, library use
- Use of the world-wide web
- Telephone systems
- Mobile radio
- Satellite dishes
- Telecommunications towers.

(2) **Number and Type of Members.** The Technology Committee is composed of no more than fifteen (15) members with demonstrated expertise in technology and related fields. Up to 40 percent (not more than six) of the membership may come from persons outside of Chapel Hill.

(3) **Length of Term.** Members serve staggered, three-year terms, and shall not be eligible for more than two consecutive three-year terms.

- (4) Appointment. The Council appoints the Technology Committee.

*Established by Resolution (98-3-23/R-15) and amended by adoption of Resolution (99-9-13/R-10).*

**j. k.** Transportation Board.

- (1) Purpose. The Transportation Board is charged by ordinance with the following duties and powers:

- Advise the Council, Town Manager and staff concerning transportation matters.
- Advise the Council, Town Manager and staff concerning the policies and operations of the public transit system for the Town, including review of the Transportation Department budget and making comments and recommendations to the Manager and to the Council with respect thereto, and approving route changes, headways and schedule changes as recommended by the Town Manager or Transportation Director within the budgetary and service levels authorized by the Council.
- Advise the Council, Planning Board, Town Manager and staff concerning the traffic impact and traffic plans for significant development and redevelopment, e.g., special use, large subdivision rezoning requests.
- Advise the Council and Town Manager, and coordinate with the Planning Board, on transportation planning for the community, including preparation and revision of the Thoroughfare Plan and implementation of the Plan through Transportation Improvement Plan requests to the State.
- Advise the Council and Town Manager regarding plans and policies for bicycling and bikeway facilities, and regarding pedestrian access and safety.
- Advise the Council and Town Manager regarding the planning, development and operation of on-street and off-street parking and parking facilities under the Town's control; and regarding ordinances and other policies for taxi and other franchise carrier operations within and around the Town.

- 
- (2) Number and Type of Members. The Transportation Board consists of nine members. All must be residents of the Town.
  - (3) Length of Term. Members serve staggered, three-year terms, and shall not be eligible for more than two consecutive three-year terms.
  - (4) Appointment. The Council appoints the Transportation Board.

***Enabling Legislation: Consult the Code of Ordinances, Chapter 2, Article VIII (2-130 and following).***

3. Semi-Autonomous Boards and Commissions. These are boards and commissions which have been granted the power to act independently of the Town Council in most instances but on occasion serve in an advisory capacity to the Council.

- a. Board of Adjustment.

- (1) Purpose. The Board of Adjustment, through the process of appeal and review, may determine that ~~special exceptions~~ **variances** to the zoning regulations of the Town be permitted.

It may also reverse any order, requirement, decision, or determination of the administrative official charged with enforcement of the ~~Development Ordinance~~ **Land Use Management Ordinance**. **It may serve as an appeals board for other matters assigned to it under the Town Code of Ordinances.**

- (2) Number and Type of Members. The Board consists of ten members. Eight (8) members, appointed by the Council, shall reside within the corporate limits of Chapel Hill. One (1) member, appointed by the Orange County Board of Commissioners, shall reside within the Town's extraterritorial planning jurisdiction. One (1) member, appointed by the Orange County Board of Commissioners, shall reside within the Town's Joint Planning Transition Area. The Town appoints two (2) alternate members and the County appoints one (1) alternate member.
- (3) Length of Term. Members serve staggered, three-year terms and

---

shall not be eligible for more than two consecutive three-year terms.

- (4) Appointment. The Council appoints the Chapel Hill representatives to the Board.

*Enabling Legislation: Consult the Land Use Management Ordinance, Article 8, Section 8.3 and following).*

b. Historic District Commission.

- (1) Purpose. General responsibilities of the Commission are to guide physical change within the historic districts of Chapel Hill in such a way as to promote, enhance, and preserve the character of the districts. See Article 2, ~~Section 2.4.6 of the Chapel Hill Development Ordinance 8, Sec. 8.4 of the Land Use Management Ordinance~~ for specific responsibilities and powers.
- (2) Number and Type of Members. The Commission consists of ten members. Ordinance requires that a majority of the members shall "have demonstrated special interest, experience, or education in history or architecture." All members shall reside within the corporate limits of Chapel Hill.
- (3) Length of Term. Members serve staggered, three-year terms and shall not be eligible for more than two consecutive three-year terms.
- (4) Appointment. The Council appoints the Commissioners.

*Enabling Legislation: Consult the Land Use Management Ordinance, Article 8, Section 8.4 and following).*

c. Planning Board.

- (1) Purpose. The general functions of the Planning Board are as follows:
- To acquire and maintain in current form such basic information and materials on the physical growth and development of the Town and its environs as are necessary for an understanding of past trends, present conditions, and

---

forces at work to cause changes in these conditions;

- To prepare and, from time to time, ~~amend and revise~~ **recommend revisions** to the Comprehensive Plan for physical development of the Town;
- To ~~establish~~ **develop and recommend** principles and policies for guiding action in the development of the Town;
- To prepare and recommend to the Council ordinances promoting orderly development along the lines indicated in the Comprehensive Plan;
- To determine whether specific proposed developments conform to the principles and requirements of the Comprehensive Plan for the growth and development of the Town; and
- To keep the Council and the public informed and advised as to these matters.

(2) Number and Type of Members. The Planning Board is composed of ten (10) members. Seven members, appointed by the Council, shall reside within the corporate limits of Chapel Hill. Two members, appointed by the Orange County Board of Commissioners, shall reside within the Town's extraterritorial planning jurisdiction. One member, appointed by the Orange County Board of Commissioners, shall reside within the Town's Joint Planning Transition Area.

(3) Length of Term. Members serve staggered, three-year terms and shall not be eligible for more than two consecutive three-year terms.

(4) Appointment. The Council appoints the Chapel Hill representatives.

***Enabling Legislation: Consult the Land Use Management Ordinance, Article 8, Section 8.2 and following).***

4. Autonomous Boards and Commissions. The **Downtown Economic Development Corporation and the Orange Water and Sewer Authority** ~~is~~ **are** the only autonomous boards or commissions.

---

a. **Downtown Economic Development Corporation.**

- (1) **Purpose.** The non-profit Downtown Economic Development Corporation was created to bring the resources of the Town, the University, and downtown community together to maintain, enhance, and promote downtown as the social, cultural, and spiritual center of Chapel Hill through economic development.
- (2) **Number and Types of Members.** The Downtown economic Development Corporation Board of Directors is composed of seven members: four appointed by the Town Council, two appointed by the University, and one appointed by those six members.

At least one of the Town's appointees must be an owner of downtown property, and at least one must be an owner of a business located in the downtown.

**Length of Term.** Initially, the Town will appoint two persons to two-year terms and two persons to three-year terms; the University will appoint one person to a two-year term and one person to a three-year term. Thereafter, the six members of the Board of Directors appointed by the Town and University will serve staggered, two-year terms. The seventh member will serve a one-year term.

Members appointed by the Town shall be eligible to serve no more than two consecutive terms.

**Appointment.** The Council appoints the Town's representatives.

a. b. **Orange Water and Sewer Authority.**

- (1) **Purpose.** OWASA is granted authority by the General Statutes and was created by joint resolutions of Orange County and the Towns of Chapel Hill and Carrboro. It exists to the end that Orange County may be in the most efficient and economical manner protected for its future growth in connection with necessary water and sewer facilities.
- (2) **Number and Type of Members.** The OWASA Board of Directors

---

is composed of nine members: five appointed by the Council of Chapel Hill (must be residents of the Town of Chapel Hill); two appointed by the Board of Aldermen of Carrboro; and two appointed by the Orange County Commissioners.

(3) Length of Term. Directors serve three-year terms.

(4) Appointment. The Chapel Hill members are appointed by the Council.

5. Task Forces.

Task Forces are established for a limited amount of time as needed to study and report on specific issues of importance to the Council.

6. General Procedures.

a. Annual Report. Advisory boards and commissions shall report to the Council annually at the time most appropriate for the board.

b. Orientation to Boards. The Town Manager or his/her designee is responsible for giving boards and commissions information on Town policies and procedures, including the purposes, powers and duties of each board, procedures for reporting to Council, attendance requirements and the boards' role in the appointment process.

c. Reimbursement of Expenses. The following guidelines set forth Town policy regarding advances and reimbursement of expenses incurred by members of boards or commissions (excluding OWASA, an autonomous board).

(1) Out-of-Town Travel and Expenses to Relevant Conferences, Training Sessions and Meetings. The Town will pay costs for registration, lodging, transportation and meal expenses in accord with the Town's travel policy and as approved with the adopted budget.

(2) Reimbursement Procedures. If an advance for out-of-town travel is obtained, proof of expenses incurred (receipts) must be submitted to the Finance Department, through the department providing support to the board or commission after the trip. Any unspent money must be returned. If a reimbursement is requested, receipts must be attached to the appropriate travel expense forms.

---

Requests for reimbursement will usually be honored within two weeks of official documentation of expenses.

E. Council Liaison to Boards and Commissions.

A Council member is frequently designated as a liaison to a particular board or commission. The main function of the liaison is communication. The liaison may apprise the board or commission of general Council purposes and may convey ideas and concerns from the board or commission to the Council.

Council liaisons are not voting members of any board or commission, inasmuch as such members might be faced with voting on an issue as a recommendation of the board or commission, and then considering the report or recommendation of the board or commission in such member's capacity as a member of the Council.

Council liaisons may attend regular or special meetings of the advisory board or commission, but their regular attendance is not required.

The Council has instructed Council liaisons to report activities of their particular boards or commissions to the Council in the way the liaisons deem appropriate, once a year.

F. Nomination and Appointment Procedures.

1. Nomination and Appointment Process. (Resolution 85-R-29; amended by Resolution 89-1-23/R-9.)

In January of each year, the Town Clerk shall notify the Council and all Chairs of boards and commissions of those members of boards and commissions whose terms expire June 30. The Town Clerk shall advertise vacancies from ~~January~~ **February** through ~~March~~ **April** in a newspaper **or newspapers** of general circulation within the community and such other means as may be deemed effective, including, but not limited to, mailings to community organizations, public service announcements, and letters of invitation to citizens who have expressed interest throughout the year.

Beginning in March, the Town Clerk shall distribute to the respective boards and commissions the applications that have been received to date from eligible citizens wishing to serve. The Town Clerk will not forward applications to boards and commissions if the applicant's eligibility has

not been determined. Upon verification of an applicant's eligibility the Town Clerk shall forward the application to the board or commission for consideration.

The Council requests that the boards and commissions review all applications and recommend candidates to the Council for each vacancy, unless the board or commission declines to do so. The board or commission's recommendation shall be submitted in writing to the Town Clerk no later than April 25. If a board or commission elects not to recommend applicants, it is requested that the board or commission notify the Town Clerk of this decision in writing by April 25. Notwithstanding recommendations from boards and commissions, the Town Clerk shall forward the names and applications of all eligible persons interested in appointment for the vacancy on a board or commission and the board or commission recommendations to the Council for its consideration. The Council may choose to not consider appointments without a recommendation from the board or commission.

Applications received after the Monday prior to the Council's regular business meeting at which nominations or appointments are scheduled shall be held until another vacancy occurs, thus allowing the Town Clerk to verify the applicant's eligibility and the board or commission to make a recommendation.

Mid-term vacancies shall be filled from applications on file without special advertising efforts unless requested by the Council. The board or commission shall submit a recommendation for these appointments to the Town Clerk no later than the Monday prior to the Council's regular business meeting at which appointments for the vacancy are scheduled, unless the board or commission declines to do so **and notifies the Town Clerk in writing by the Monday prior to the Council's regular business meeting at which the vacancies are scheduled to be filled. The Council may choose to not consider appointments without a recommendation from the board or commission.** Additional applications received after this time will not be considered until the next vacancy occurs.

All applicants for the board or commission shall be nominated by a resolution on the Consent Agenda. At the next regular meeting following nominations, the Council may make additional nominations and make appointments, provided that the applications of the nominees and recommendation of the board or commission have been distributed to the Council in the agenda packet for the meeting at which the appointments

are scheduled. If possible, Council members are to mark and sign their ballots prior to the meeting, and forward them to the Town Clerk at any time prior to the start of the meeting. The Town Clerk will ~~announce~~ **provide** the results of the balloting at the appropriate time during the Council's meeting. If vacancies remain (applicants did not receive 5 or more votes), the Council may immediately hold further rounds of balloting to fill the vacancies, or may postpone filling these vacancies until the next regular meeting.

Beginning with the first regular meeting in May, and through the second regular meeting in June (four consecutive regular meetings of the Council), the Council may consider appointments to three or more boards and commissions per meeting.

2. Term Expirations.

All board and commission terms shall expire on June 30. However, members of boards and commissions may serve until their successors have been appointed.

3. Consecutive Terms.

No one shall serve on an advisory board or commission for more than two consecutive full terms. Following a one-year absence, an individual is eligible to serve again on the same board or commission. The Council may reappoint an individual to a board or commission for an additional one-year term following two consecutive terms, by resolution for the purpose of completing ongoing projects.

4. Oath of Office.

All members of standing boards or commissions must be sworn in by the Town Clerk or her designee **and sign an Oath of Office** prior to voting on matters before the board.

5. Ethics Guidelines.

All advisory board and commission members and applicants shall agree to comply with the following ethics guidelines adopted by the Council on March 1, 1999:

**Ethics Guidelines for Town Advisory Boards and Commissions**

---

Members of advisory boards and commissions shall not discuss, advocate, or vote on any matter in which they have a conflict of interest or an interest which reasonably might appear to be in conflict with the concept of fairness in dealing with public business. A conflict of interest or a potential conflict occurs if a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. Any member who violates this provision may be subject to removal from the board or commission.

If the advisory board or commission member believes he/she has a conflict of interest then that member should ask the advisory board or commission to be recused from voting. The advisory board or commission should then vote on the question on whether or not to excuse the member making the request. In cases where the individual member or the advisory board or commission establishes a conflict of interest, then the advisory board or commission member shall remove themselves from the voting area.

Any advisory board or commission member may seek the counsel of the Town Attorney on questions regarding the interpretation of these ethics guidelines or other conflict of interest matters. The interpretation may include a recommendation on whether or not the advisory board or commission member should excuse himself/herself from voting. The advisory board or commission member may request the Town Attorney respond in writing.

6. Resignations.

Resignations shall be submitted in writing to the chair of the board or commission, who shall forward the original written resignation to the Town Clerk for Council notification.

7. Residence of Appointees.

- a. The Council's appointees to the following boards and commissions shall reside within the Town limits of Chapel Hill:

Bicycle and Pedestrian Advisory Board<sup>a</sup>  
Board of Adjustment<sup>b</sup>  
Chapel Hill Public Arts Commission  
Community Design Commission  
Greenways Commission

---

Historic District Commission  
Housing and Community Development Advisory Board<sup>c</sup>  
Human Services Advisory Board  
Library Board of Trustees<sup>b</sup>  
Orange Water and Sewer Authority<sup>d</sup>  
Parks and Recreation Commission<sup>b</sup>  
Personnel Appeals Committee  
Planning Board<sup>b</sup>  
**Stormwater Management Utility Advisory Board**  
Technology Committee<sup>e</sup>  
Transportation Board

<sup>a</sup> Note **that** the Town Council appoints ~~two (2)~~ **one (1)** representative s from the Town of Carrboro, **one (1) representative outside the town limits of Chapel Hill from either Durham City/County or Chatham County**, and one (1) representative from Orange County to this board. The University appoints one (1) representative of its bicycle management **staff**.

<sup>b</sup> Note that the Orange County Commissioners also make appointments to these boards.

<sup>c</sup> See exception for Carrboro residents on page ~~27~~ **30**.

---

<sup>d</sup> Note that the Orange County Commissioners and the Town of Carrboro also make appointments to this board.

<sup>e</sup> Note that up to 40 percent (not more than six) may come from persons **residing** outside of Chapel Hill.

b. Ad hoc committees and task forces:

Appointees to ad hoc committees and task forces including but not limited to those listed below will generally be Town residents, but may include residents of ~~surrounding areas~~ **adjoining jurisdictions**.

In considering appointments to any board, committee or task force where the membership is not otherwise restricted by law or ordinance, the Council may appoint non-residents, not to exceed 40% of membership, to an ad hoc committee or task force by following the Council's normal procedure for voting on appointments.

8. Dual Membership.

An incumbent on a standing board, as listed in F.1.g.(1), Residence of Appointees, shall not be considered for appointment to another standing board unless he or she resigns before filing an application, or is in the last six months of a term. Members of a standing board are eligible for appointment to an ad hoc committee or task force concurrent with their service on a standing board. Individuals may serve on multiple ad hoc committees or task forces concurrently.

9. Application File.

The Town Clerk shall keep applications on file through two spring appointment cycles. Applicants are encouraged to indicate on their applications if they wish to have their applications on file for a shorter period.

10. Applicants' Preference for Boards.

Applicants are strongly encouraged to apply for one board, but may apply for more than one if their preferences are ranked.

11. Full Term for Appointments to Vacancies Due to Resignations.

When a vacancy occurs before the scheduled end of a term, the person appointed to such vacancy shall serve a three-year term (four years for a seat on the Library Board of Trustees) plus any additional months necessary to have such term expire on June 30 if the vacancy occurs after January 1 but prior to June 30. For vacancies occurring before January 1 but after June 30, the three-year term shall continue from the previous July 1.

12. Leave of Absence.

Leaves of absence from boards shall be approved by the Council and shall not exceed five months. No interim appointments will be made.

13. Information on Composition of Membership.

At the meeting when board recommendations and applications are submitted to the Council, the Town Clerk shall give the Council a report on the race and gender composition of each board and commission. In addition, the application for membership on Town boards and commissions shall include a request for the applicant's occupation and avocation. The application form shall also include a statement encouraging interested applicants to visit a meeting of the board or commission they are interested in serving on.

14. Final Action.

Appointment: The Council shall consider and make appointments in an open meeting.

15. Voting.

The practice of the Council has been to vote by ballot when making appointments to boards and commissions. North Carolina Statute states the following regarding ballot voting: "If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the Office of the Town Clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed."

---

G. Enabling Legislation.

(Please consult the Code of Ordinances for the following.)

1. Bicycle and Pedestrian Advisory Board. (See Chapter 2, Article XII (2-170 and following).)
2. Greenways Commission. (See Chapter 2, Article X (2-150 and following).)
3. Housing and Community Development Advisory Board. (See Chapter 2, Article XI (2-160 and following).)
4. Human Services Advisory Board. (See Chapter 2, Article VII (2-120 and following).)
5. Library Board of Trustees. (See Chapter 2, Article IX (2-140 and following).)
6. Parks and Recreation Commission. (See Chapter 12, Article II (12-17 and following).)
7. Personnel Appeals Committee. (See Chapter 14, Article XIII (14-118 and following).)
8. Transportation Board. (See Chapter 2, Article VIII (2-130 and following).)

(Please consult the current Development Ordinance for the following.)

9. Community Design Commission. (See Article 25, Section 25.5 and following.)
10. Historic District Commission. (See Article 25, Section 25.4 and following.)
11. Planning Board. (See Article 25, Section 25.2 and following.)
12. Zoning Board of Adjustment. (See Article 25, Section 25.3 and following.)

---

### III. GENERAL POLICIES AND PROCEDURES.

The following guidelines concern Council members' attendance at professional meetings and policy regarding materials and services available to the Council. They ~~have been~~ **are** established to facilitate consistent municipal operations. ~~and are herein condensed for the convenience of the Council.~~

#### A. Professional Meetings.

The Mayor and Council are allocated a set amount of money, established when the budget is adopted, to be used for expenses incurred when attending professional meetings.

1. Attendance. Council members are free to choose which, if any, professional meetings they wish to attend.
2. Expenses. The following guidelines set forth Town policy regarding travel advance and reimbursement cost limits.
  - a. Registration Fee. The Town will pay all registration costs.
  - b. Transportation. For travel within a two hundred mile radius, the Town will pay round-trip train or bus fare, or ~~34.5 cents (effective January 1, 2001)~~ **the current mileage reimbursement rate** per Internal Revenue Service **guidelines** ~~per mile~~ for a private auto, providing the mileage cost does not exceed the cost of air travel. The Town will pay round-trip coach fare on the appropriate common carrier for locations two hundred miles away or more.
  - c. Lodging. The Town will pay the actual cost of lodging.
  - d. Meals. The Town will pay a per diem ~~maximum of \$32.20 for in-State and \$42.55 for out-of-State, based on:~~ **based on the Town's current travel policy for in-State and out-of-State travel. Please refer to Section 5.2d of the Town's Administrative Policies and Procedures Manual for specific details.**

---

	<u>In-State</u>	<u>Out-of-State</u>
Breakfast	\$6.00	\$7.00
Lunch	\$8.00	\$10.00
Dinner	\$14.00	\$20.00
Gratuities (15%)	\$4.20	\$5.55
	\$32.20	\$42.55

OR: The Town will pay for the actual cost of meals if receipts are submitted. In addition, the Town will pay the actual amount of all officially authorized conference meals which are not included in the original registration fee.

- e. Miscellaneous Expenses. Any miscellaneous expenses incidental to Town business must be explained and documented in detail to the Finance Director. One personal telephone call per day of three minutes or less is reimbursed.
  - f. Improper Expenses. Expenditures of the following nature are not eligible for reimbursement:
    - (1) Expenses for the Council members' families;
    - (2) Meal or other expenses incurred prior to or after the end of the conference (with the exception that meals while traveling to and from are permitted);
    - (3) Rental of an automobile where other means of transportation are less costly;
    - (4) The cost of alcoholic beverages or parties and entertainment; and
    - (5) Telephone calls or telegraph messages except for the purpose of undertaking necessary Town business (except as noted in (e) above).
3. Procedure for Making Reservations. A Council member may request the Manager's Office to make reservations. The Council members should complete the conference ~~reservation~~ **registration** form, the request for room reservations, and the request for an advance and submit these forms to the Manager's Office. Request for travel advances require at least two weeks for processing. The Manager's

---

Office will then submit the completed forms to the Finance ~~Officer~~ **Director** for certification of the availability of funds. The Finance Department will then write the required checks. The Manager's Office will make the necessary reservations and inform the Council member of reservations and payments made and ~~give him or her~~ **forward** the requested advance.

4. Reimbursement. If an advance is obtained, proof of expense incurred (receipts) must be submitted to the Finance Department (~~usually through the Manager's Office~~) after the trip, and unspent money must be returned. If a reimbursement is requested, receipts must be attached to the appropriate form (Manager's Office can provide this) at the time of submission. Requests for reimbursement will usually be honored within two weeks of official documentation of expenses.

B. Services and Materials Available to the Council.

1. Supplies. Office supplies, paper, folders, etc., are available for Council members upon request. The procedure for obtaining supplies is to request them through the ~~Manager's Office or Mayor's Assistant~~ **Town Clerk's Office** who will provide them immediately if the item is available, or requisition them. ~~through Purchasing. For items kept in stock, requests should be made by noon on Wednesday for Thursday afternoon delivery.~~
2. Duplication. Up to ~~five~~ **twenty** copies of a document may be obtained from the Manager's Office immediately upon request. For more than ~~five~~ **twenty** copies of a single document, the Council member should present the original to the Clerk's Office. The original document and copies will be returned to the Council member ~~when completed as~~ **quickly as possible, usually the same day.**
3. Typing. The ~~Manager's~~ **Town Clerk's Office** ~~or Mayor's Assistant~~ will aid in seeing that any Council-related material for Council members is handled efficiently and accurately. ~~The material may be referred to the Town Clerk, depending upon the volume of the request.~~ For most projects, please allow at least one day for completion. More lengthy requests will require additional time.
4. Periodicals. Each Council member receives the following magazines from subscriptions arranged by the Town through membership in government associations.

- 
- a. National Cities Weekly, published by the National League of Cities.
  - b. Popular Government, published by the UNC Institute of Government.
  - c. The Mayor, published by the U.S. Conference of Mayors (**available in the Mayor's Office**).
  - d. Southern City, published by the N.C. League of Municipalities.

Council members may request subscriptions to additional publications which will be paid for out of the Council's budget appropriation. All such additional subscriptions must be in the name of the Town Council and received at 306 North Columbia Street. They must be kept in the ~~Municipal Building~~ **Town Hall** except for brief lending periods. A single subscription to any such publication is considered sufficient for the entire Council and the Mayor.

5. Books. Council members may order books of interest to the Council through the ~~Manager's~~ **Town Clerk's Office**. The books will then become part of the municipal collection to be loaned for short time periods only.
6. Reference Materials. The following materials are distributed to ~~the~~ Council members when they assume office for use throughout their terms:
  - a. Code of Ordinances of the Town of Chapel Hill (**located in Council members' offices**).
  - b. Chapel Hill Town Council Procedures Manual.
  - e. ~~Open Meetings and Local Governments in North Carolina~~.

Council members are expected to return these items to the Town at the end of their terms for distribution to new members. **The Town Code of Ordinances should remain in Council members' offices.**

7. Town Hall.

- 
- a. Rooms. The Council Conference Room, the Council Chamber, and other rooms may be reserved for official meetings through the Town Clerk's Office.
  - b. Telephone. The telephones in the Council members' offices may be used for local calls and business-related distance calls.
  8. Voice Mail. Voice mail is provided to Council members on their Town Hall business phones **if they choose**.
  - 8.9. Email. **Email is provided to Council members at their residences.**
  - 9.10. Computers and High-Speed Internet Access. **Computers and high-speed Internet access are provided to each Council member at their residences.**

C. Procedure for Evaluation of Town Manager and Town Attorney.

1. Purpose. The purpose of this procedure is to establish a regular annual process for evaluating the Town Manager and Town Attorney, for communicating the evaluation results, and for following up on the outcome of the evaluation.
2. Evaluation Goals. Goals of the annual evaluation are:
  - a. To ensure a regular review of the Manager's and Attorney's performance.
  - b. To provide an opportunity for constructive discussion of Council-Manager and Council-Attorney relationships.
  - c. To set priorities for the Manager's and Attorney's agenda during the coming year.
  - d. To establish the Manager's and Attorney's salary for the coming year, to be effective at the **first** October pay period.
3. Evaluation Schedule.

Evaluation will be conducted each year ~~in June~~ **no later than October**.

---

Steps in the process will be:

- ~~(1~~ a. Completion of evaluation forms by individual Council members.
- ~~(2~~ b. Data gathering by ~~the Mayor's Assistant~~ on comparable salaries. **The Human Resources Director will provide such assistance as the Mayor may need.**
- ~~(3~~ c. Closed Session of Council to discuss evaluation results and to decide on matters for discussion with Manager and Attorney.
- ~~(4~~ d. Closed Sessions of Council and Manager and Attorney to discuss evaluations, relationships, and priorities.
- ~~(5~~ e. If desired, written response to Council by Manager and Attorney on evaluation matters and priorities.

4. Town Manager and Town Attorney Evaluation Form.

The Council will determine the guidelines for evaluating the Town Manager and Town Attorney.

D. Council Adopted Policies and Procedures **Naming Public Facilities.**

- ~~1. Naming Public Facilities. The Council adopted the following policy to be used for the naming of all public facilities.~~

~~a. 1. Establishing a Standing Committee on Naming Facilities.~~

~~The Council will appoint a standing Naming Committee to make recommendations to the Council for naming **or dedicating** Town facilities, **and for placing any permanent markers or plaques on Town property.** The Committee will include two or more Council members.~~

~~b. 2. General Procedures for Receiving and Considering Proposals to Name or Rename Town Facilities.~~

~~The following process will apply to naming and renaming Town facilities such as buildings, parks, greenways, bikeways, public plaza areas, nature trails, etc. and to arterial and collector streets as defined in the street classifications in the Chapel Hill Design Manual.~~

---

Separate procedures as authorized in ~~Section III~~ below apply to naming and renaming of residential streets (excluding collector and arterial streets) as classified in the Town's Design Manual.

~~(1 a.)~~ Requests to name Town facilities **will be considered in the following ways:**

~~(a 1)~~ ~~Citizens may formally petition the Committee or the Council~~ **Written or oral petition from citizens to the Committee or the Council** in a regular business meeting to consider naming a facility or to consider a suggested name, or may make a suggestion by letter or informal contact.

~~(b 2)~~ **Written or oral petition from** An advisory board or commission may make suggestions to the Committee or the Council.

~~(c 3)~~ **Written or oral petition from** The Mayor or any Council member may make a suggestion.

~~(d 4)~~ **Written or oral request from** A donor of a property or a gift who may request a specific name **recognition** as part of offering a gift to the Town.

~~(b.)~~ **All requests will be referred to the Naming Committee, which will make recommendations to the Council for a final decision.**

~~(2 c.)~~ The Naming Committee's **will observe the following** process for developing and submitting recommendations to the Council. **The Committee will:**

~~(a 1)~~ ~~Requests for comments~~ **Seek ideas from appropriate** Town boards and commissions and other interested parties **community organizations or citizens before making preliminary recommendations.**

~~(b 2)~~ ~~Invite~~ **invite** comments on preliminary recommendations. When the Committee develops preliminary recommendations for naming facilities, it will distribute news releases to the media, to relevant community organizations, and otherwise seek comments from citizens for at least one month. The

---

Committee may publish paid notices of proposed facility names, and may or may not hold public forums.

- (e 3) ~~Committee's~~ **Submit** recommendations ~~to the Council. The Committee will submit recommendations~~ for naming or renaming facilities to the Council for consideration at a regular business meeting. The Committee may also recommend deferring or not naming facilities.

### 3. **General Policies for the Naming Committee:**

- a. The Committee will not, except in unusual circumstances, recommend names ~~that~~ **which** would duplicate or be similar to names of other facilities, including streets.
- b. The Committee's recommendations to the Council will include a summary of comments received from Town boards, community organizations, and citizens, as well as copies of written comments.
- c. **The Committee should give strong preference to naming a facility for persons who are deceased. Naming a facility for a living person will only be considered under extraordinary circumstances.**
- d. **The Committee can distinguish between naming a facility for someone and dedicating a facility or portion of a facility in someone's honor. A dedication means that the facility will bear a plaque or marker stating the dedication to the person; however, the facility will not be known by the name of the person.**

#### 3.4. Consideration by the Council.

In addition to receiving the Naming Committee's and Town boards' recommendations, the Council will ordinarily receive brief comments from citizens at regular Council meetings, and may establish time limits in accord with the Council's customs and procedures.

Written comments from citizens, community organizations and boards and commissions are invited.

The intent of this policy is that the Council would not call a public hearing to receive comments except in unusual circumstances in

which a large number of citizens desire to address the Council.

After a decision by the Council to name or rename a facility, the Manager shall be responsible for implementation in accord with the Council's guidance.

e. **5. Policies for Naming and Renaming Residential Streets.**

~~(1 a.)~~ New streets. In new developments, residential streets shall be named under current procedures normally involving developers' submittal of names for approval by the Manager, or, if applicable, in accord with conditions of a development permit. Unless otherwise directed by the Council, the Manager is authorized to name entrance streets or drives to Town facilities, if appropriate, as part of the development process.

~~(2 b.)~~ Existing streets. To rename an existing publicly maintained residential street, a group of citizens may request the Town Manager to approve its renaming. Names shall not duplicate or be similar to names of existing streets or facilities. The Manager is hereby authorized to establish administrative procedures to carry out this policy.

Any determination or decision by the Manager may be appealed to the Town Council by a resident or owner of property abutting a street proposed to be renamed.

*Amended by Resolution (2003-09-22/R-9).*

**E. Council-Adopted Policies and Procedures**

~~2.~~ **1. Acceptance of Gifts.** The Council adopted the following resolution **on November 26, 1980:**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the following policy on gifts and donations:

Section 1. The purpose of this policy is to establish a uniform policy for accepting gifts and donations made to the Town of Chapel Hill.

Section 2. Any gifts or donations solicited by or received by the various boards and commissions appointed by the Town Council are

---

construed to be gifts or donations to the Town and therefore governed by this policy.

Section 3. The Council of the Town of Chapel Hill shall be informed through the agenda process of the following types of gifts and donations and shall make a determination in a regular ~~Council~~ **business** meeting of whether or not to accept the following types of gifts and donations:

- a. real estate
- b. personal property, ownership of which would require a significant expenditure of Town funds, and
- c. cash to be used for a specified program or purpose which is not included in a current operating plan for the Town.

Section 4. The Council of the Town of Chapel Hill hereby delegates to the Town Manager the authority to accept other gifts and donations, such as:

- a. unrestricted cash,
- b. cash to be used for a specified program or purpose which is included in a current operating plan for the Town, and
- c. personal property that does not require a significant expenditure of Town funds.

*Established by Resolution (80-R-219) on ~~Excerpt from Council minutes of November 26, 1980.~~*

**3-2. Authorization for Manager to Enter into Contracts.**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to prepare, approve, and enter into the following contracts:

Contracts for construction, alteration, renovation or other physical improvements for which Council has accepted formal bids and awarded the contract to a particular company.

Change orders and amendments to construction contracts which do not cumulatively exceed the bid originally approved by the Council by more than 10% of the original contract amount, or \$50,000, whichever is less, and provided that there is an appropriation sufficient for the contract amendment.

Construction contracts for which formal bids are not required under State law.

Contracts for purchase of equipment or supplies for which the Council has accepted bids and awarded the contract to a particular company.

Service contracts for which funds are included in the budget.

Performance contracts with non-profit agencies and other governmental units in accord with the budgetary authorization of Council and any specific directives and requirements expressed by Council.

Agreements that the Town will provide a service in return for a reimbursement, grant, or other consideration, provided that the service is consistent with any relevant policy direction by Council and with approved program objectives and that the cost can be accommodated within appropriations.

Rental by the Town of building space, land or equipment, provided that sufficient funds are appropriated.

*Excerpt from Council minutes of March 8, 1982 and as amended November 9, 1992.*

4. 3. Authorization for Manager to Enter into Encroachment Agreements.

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to prepare, approve, and enter into encroachment agreements, and licenses in a form satisfactory to the Town Attorney, regarding Town and N.C. DOT rights-of-way for the construction and/or installation of utilities and appurtenant items, grading, paving, curb and gutter, sidewalk, drainage pipes, ditches, signs, structures, landscaping, planters, rock walls and other similar improvements or modifications within the rights-of-way when such encroachments will not adversely affect public passage or other public purposes within such rights-of-way, and consistent with such additional or supplemental policy guidance as Council may from time to time provide by resolution.

*Established by Resolution (85-R-13) on ~~Excerpt from Council minutes of January 14, 1985.~~*

---

4. **Authorization for Purchasing Agent to Dispose of Personal Property Valued at Less than Five Thousand Dollars (\$5,000).**

**A RESOLUTION ESTABLISHING A POLICY AND PROCEDURE FOR DISPOSAL OF PERSONAL PROPERTY VALUED AT LESS THAN FIVE THOUSAND DOLLARS (\$5,000) FOR ANY ONE ITEM OR GROUP OF ITEMS (2000-01-10/R-11)**

**WHEREAS, N. C. General Statute 160A-266c was amended effective July 1, 1997, authorizing Town Councils to adopt regulations prescribing procedures for disposal of personal property valued at less than five thousand dollars (\$5,000);**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill:**

- (1) The Purchasing Agent is authorized to declare surplus any items of personal property reported in writing as surplus by a department head and which value is estimated to be less than five thousand dollars (\$5,000);**
- (2) The Purchasing Agent is authorized to dispose of surplus personal property valued at less than five thousand dollars (\$5,000);**
- (3) The Purchasing Agent is authorized to sell items of fair market value under \$5,000 and to convey title of said property on behalf of the Town; and**
- (4) The statute has revised the procedure that the Purchasing Agent no longer has to report the sale to Council. The Purchasing Agent is to keep a record of items sold, including description, to whom items are sold, and amount received for each item.**

**BE IT FURTHER RESOLVED that the purpose of this resolution is to facilitate the sale of such property and secure for the Town a fair market value.**

*Established by Resolution (2000-01-10/R-11).*

**4.5. Use of Public Streets.**

WHEREAS, the streets and thoroughfares within the corporate limits of the Town of Chapel Hill are designed to accommodate the safe movement of vehicular traffic; and

WHEREAS, the use of streets, and thoroughfares for purposes other than vehicular traffic can cause conflicts and hazards and potential injury to motorists, other citizens and property along streets; and

WHEREAS, the Town has enjoyed a long - cherished tradition of the right of citizens to exercise their rights of free speech and assembly; and

WHEREAS, for many years, two areas along the Franklin Street right-of-way have been permanently designated as locations where citizens can peacefully protest, demonstrate, hold vigils, solicit donations and support for various causes, policies, laws, and actions; and

WHEREAS, Chapter 21, Section 7.1 of the Town Code of Ordinances regulates the closing of public streets; and

WHEREAS, the Council of the Town of Chapel Hill has authorized by ordinance, street closings for major community events, i.e., street fairs, parades, etc. during times of low traffic volume and said street closings are authorized with conditions specifically addressing the orderly flow of vehicular traffic using alternative routes, proper barricading and separation of vehicles from pedestrians, and prior notification and plans for the orderly provision of police, fire, rescue and public transportation services; and

WHEREAS, Chapter 11, Article IX, Section 91 - 95 provides for Temporary Outdoor Activities in or Near Parking Lots or Public Streets and the intent of this article is to protect the health, safety and welfare of drivers, pedestrians and other persons participating in or in the vicinity of outdoor activities in or near parking lots or public streets; and

WHEREAS, permits may be issued for outdoor activities such as carnivals, fairs, demonstrations, exhibitions, etc., only upon compliance with standards and conditions to protect the safety of citizens and to properly separate vehicles from pedestrians; and

WHEREAS, current practice allows the Chief of Police to temporarily restrict the flow of traffic for a period not to exceed 30 minutes for parades, processions, bicycle or foot races, provided pedestrians, and/or bicyclists are adequately protected from conflict with motorized vehicles and such activities are during periods of low traffic flow and under most circumstances can be limited to sidewalks or one travel lane of multi-lane streets, therefore impeding the flow of traffic only at street crossings, which are protected by officers and street monitors; and

WHEREAS, unapproved and spontaneous or unplanned events or demonstrations in the public streets of the Town jeopardize the health, safety and welfare of motorists, other persons and property along streets;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council, believing that the primary purpose of Town streets and thoroughfares is to provide for the safe and orderly flow of vehicular traffic, does not condone the use of public streets for unauthorized spontaneous uses such as parties, demonstrations and other unplanned events.

BE IT FURTHER RESOLVED that the Council of the Town of Chapel Hill believes spontaneous mass pedestrian use of streets has the potential of seriously jeopardizing the health, safety and welfare of citizens and property.

BE IT FURTHER RESOLVED that the Council strongly encourages and pledges its support to the leadership of groups and organizations, including the University of North Carolina in planning events so as not to conflict with the safe and orderly movement of traffic and to hold events in locations that are appropriate for outdoor events and do not jeopardize, but take all reasonable and prudent precautions to protect the citizens' health, safety and welfare.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill, that the Council supports the Mayor, Manager and Chief of Police in carrying out the powers vested in them by law to protect the health, safety and welfare of the citizens of Chapel Hill, protect property and in preserving order in the community.

*Established by Resolution (87-3-9/R-22) on Excerpt from Council minutes of March 9, 1987.*

***NOTE: Please refer to the Administrative Policies and Procedures Manual for the following:***

***General Meeting Room Policy, Section 5.6c***

***Designation of a Public Forum for Displays in Town Hall, Section 5.6d***

***Use of the Court Room in the Post Office, Section 5.6e***

~~5.~~ **6. Selection of Architectural and Engineering Professional Services.**

a. Public Policy.

To select the best suited firm or individual to provide professional architectural and engineering services to the Town based upon the demonstrated competence and qualification of the firms and individual to provide the type of services required.

b. Objectives.

(1) To select firms or individuals which are best suited to provide professional architectural and engineering services to the Town on a contractual or performance agreement basis, in consideration of:

- (a) Quality and timeliness of past work for the Town and other clients, as indicated by references or other research.
- (b) Amount of experience in performing work relevant to that sought by the Town.
- (c) Resources available to perform work and meet Town requirements, including:
  - i. ability to meet the desired schedule.
  - ii. staffing and equipment.
  - iii. training, knowledge and skills.
  - iv. availability and commitment of key persons.
- (d) Proposed terms and conditions of service including:
  - i. responsiveness to the Town's request for proposals.
  - ii. contractual obligations to other clients.

- 
- iii. meeting regulatory requirements, e.g., in connection with grant-funded projects.
  - iv. when applicable, providing performance guarantees, co-insurance and/or indemnification protections to the Town.
  - v. willingness of the firm to provide the desired services at a fair and reasonable fee. In accord with State law, fees shall be negotiated after selection of a firm or individual based on competence and qualifications.
  - vi. any requirement for assistance by Town staff, use of Town office space or equipment, etc.
  - vii. any other factors which the Town determines are relevant in considering a specific proposal or group of proposals.
- (2) To enhance professional service opportunities for people who are members of minority groups or who are women, and for firms which are primarily owned by women and/or members of minority groups; to make selections without regard to race, color, sex, age, religion, national origin, marital status or non-job-related handicapped status.
  - (3) To enhance opportunities for private businesses to provide services on terms which are in the best interest of the Town.
  - (4) To comply with applicable national and State laws and regulations.
- c. Scope.
- This policy shall apply to selection of architectural and engineering services.
- d. Procedures.
- (1) The Town shall request written proposals for architectural and engineering services when the expected cost of such services would exceed \$30,000, and the Town may use the following

---

procedures for contracts of lesser amounts.

For services expected to cost more than \$30,000, the Manager shall:

- (a) Maintain files listing individuals, firms and associations which have requested in writing to receive notices of Requests for Proposals (RFPs). The Town may require the use of forms for this purpose.
  - (b) Send RFPs or notices of RFPs to any individuals, firms or associations which have filed written requests with the Town for such notices. The Town shall not be required to mail lengthy RFP documents, but may send RFP notices so that an interested party may pick up an RFP in a Town office. The Town may require RFPs to be returned and may require reasonable reimbursement for copying lengthy RFP documents.
  - (c) Cause RFPs to be announced and publicized at least in the Triangle area (Wake, Durham and Orange Counties) by such means as the Manager deems reasonable in cost and effectiveness; such methods may include publishing legal notices or advertising and issuing news releases, in addition to mailings to parties which have requested notice.
  - (d) Send RFPs or notices of RFPs to minority and female business organizations.
  - (e) Subject to applicable laws and regulations, the Town Manager or the Council, as applicable, shall award and enter into contracts on the basis of considerations generally described in Section II, Objectives.
- (2) The Town Manager is authorized to enter into contracts on behalf of the Town pursuant to resolution 82-R-40 of March 8, 1982. (See D.3. above.)
  - (3) Notwithstanding the above, the Town Council may direct the submittal to the Council of proposed agreements and/or resolutions requesting proposals, awarding contracts, etc.; and may prescribe advertising and proposal evaluation

---

procedures for specific agreements.

- (4) This policy shall be subject to and superseded by applicable laws, regulations and contracts.\*
- (5) The term Town Manager shall include the Manager's designee.
- (6) The Town Manager may issue administrative regulations and procedures to implement this policy.

*\*See also Chapter 5, Article VII of the Code of Ordinances, enacted May 12, 1997.*

**7. Student Government Liaison to the Town Council.**

**A RESOLUTION REGARDING A STUDENT GOVERNMENT LIAISON TO THE TOWN COUNCIL (88-02-08/R-1)**

**WHEREAS, the Town Council received a petition requesting University of North Carolina at Chapel Hill student representation on the Town Council; and**

**WHEREAS, the Town Council encourages knowledge of and participation in Town affairs by students; and**

**WHEREAS, the Town Council recognizes that University of North Carolina students are a major part of the population of the Town, and is interested in students' views on all Town-related issues affecting students;**

**NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill recognizes a University of North Carolina Student Liaison to the Town Council who shall be the Student Body President or his or her designee.**

**BE IT FURTHER RESOLVED that said Liaison shall receive the published agenda packet for the Town Council meetings and shall have a place reserved for him or her in the Meeting Room; and, who, further, shall be recognized as the formal line of communication between the Town Council and the UNC Student Government.**

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be placed in and be a part of Section III(D)\* of the adopted Town Council Procedures Manual.

*Established by Resolution (88-2-8/R-1).*

**\*NOTE: Section III(D) has been renumbered to Section III(E).**

---

#### IV. OPEN MEETINGS LAW OF NORTH CAROLINA.

The following are excerpts from Open Meetings and Local Governments in North Carolina: Some Questions and Answers (~~Fourth~~ **Fifth** Edition 1994 **2002**), by David M. Lawrence of the Institute of Government at the University of North Carolina at Chapel Hill.

1. Q - What kinds of groups are subject to the open meetings law?
  - A - The law extends to any "public body."
  
2. Q - **Is “public body” defined?**
  - A - **Yes, and the definition is very broad. In general, a public body is any authority, board, commission, committee, council, or other body of state or local government that meets both of two conditions. First, it must have at least two members. And second, it must be authorized to exercise at least one of the following five functions: legislative, policy-making, quasi-judicial, administrative, or advisory. It is hard to imagine a formal group that is not authorized to exercise at least one of the listed functions.**
  
- ~~2.~~ 3. Q - What about committees of public bodies, such as the finance committee of a city council?
  - A - They are ~~probably~~ also public bodies, ~~although there is some ambiguity about them;~~ **the statute specifically extends to “committees.”**
  
- ~~3.~~ Q - ~~What is the ambiguity?~~
  - A - ~~Before the open meetings law was amended in 1994, the law specifically stated that committees of public bodies were also, themselves, public bodies. That specific language was deleted by the 1994 amendments, and one way to interpret that action is to conclude that this kind of committee is no longer a separate public body. It is also possible, however, that the General Assembly decided that the specific language was no longer necessary, because the basic definition is now broad enough to include such committees directly. (It did not include them directly before the 1994 changes.) Given the breadth of the definition, the better reading seems to be that they are~~

---

~~included, but there remains some doubt.~~

4. Q - What is the status of a joint board or committee established by two local governments?
- A - It is a public body. The statute includes in the definition of public body boards and commissions of "one or more" local governments.
5. Q - If a group of public officials meet together informally, do they constitute a public body? For example, what if all the mayors in a particular county got together for lunch to talk about common problems?
- A - The kind of "group" involved in the example is probably not a public body. There needs to be some minimal amount of structure to a group before it meets the statutory conditions. In addition, it's not clear that such a discussion group is exercising even one of the five required functions listed in Question 2.
6. Q - Are all meetings of public bodies subject to the open-meetings law?
- A - No. Only "official meetings" are subject to the statute.
7. Q - Well, what's an "official meeting"?
- A - An official meeting occurs whenever a majority of the members of a group meet - in person or by some electronic means, such as conference telephone call - in order to do any of the following:
- conduct a hearing,
  - deliberate
  - take action, or
  - otherwise transact public business.
8. Q - Holding a hearing and taking action are both fairly clear. But what does it mean to "deliberate"?
- A - In one court's words, "to 'deliberate' is to examine, weigh and reflect upon the reasons for or against" a possible decision. "Deliberations thus connote not only collective discussion, but the collective acquisition and exchange of facts preliminary to the ultimate decision."
9. Q - What about a briefing, when the board is simply receiving information

---

and not discussing it?

A - ~~That too. Again, the board is collectively acquiring the information on the basis of which it will act, which is part of the deliberative process.~~ **This amounts to deliberating, too. Again, the board is collectively acquiring the information on the basis of which it will act, which is part of the deliberative process.**

10. Q - Are there exceptions to the basic requirement that all meetings be open?

A - Yes, several. The exceptions fall into two ~~groups~~ **categories**. ~~The first, includes several subjects that~~ **The first, includes several subjects that** may be discussed in a closed session; ~~- that is, a session from which the public is excluded.~~ **- that is, a session from which the public is excluded.** ~~The second, type of exception removes several types kinds of groups are excepted from the statute altogether; these groups and~~ **The second, type of exception removes several types kinds of groups are excepted from the statute altogether; these groups and** need never meet in public **nor give public notice of their meetings.**

11. Q - What are the subject-matter exceptions?

A - There are nine, eight of which are likely to be used by local governments. The eight are as follows:

- Confidential information
- Consultations with an attorney
- **Business location or expansion**
- ~~- Claims or litigation~~
- ~~- Industrial location or expansion~~
- Real property acquisition
- Employment contracts
- Certain personnel matters
- Investigations
- **School violence response plans**

12. Q - Are there special procedures for going into closed session?

A - Yes. The statute provides that a closed session may be held only on a motion adopted in open session by a majority of those present and voting. The motion must state the purpose set out in the statute that permits the closed session, such as "to consider matters relating to the location or expansion of industry." In addition, two of the purposes require a more detailed motion. First, if the purpose is to discuss some matter that is confidential by law, the motion must cite the law

---

that makes the matter confidential. For example, if an area authority meets to consider matters relating to a specific patient, the motion to go into closed session would have to cite G.S. 122C-52, the statute that makes patient information confidential. Second, if the purpose is to discuss pending litigation, the motion must identify the parties to the litigation.

13. Q - Can action be taken in a closed session, or is the session restricted to discussion only?

A - For some of the subjects for which closed sessions are permitted, the law clearly permits action to be taken in closed session. For others, it clearly requires that action be taken in open session. Thus it will be necessary to look at each authorization to hold a closed session in order to determine whether action may be taken with regard to that subject in the closed session.

14. Q - If action cannot be taken in a closed session, may a board reach a tentative consensus in such a session and then take formal action in open session?

A - ~~Probably Yes. The North Carolina law does not directly address that question, but the courts of other states that have looked at the matter have permitted reaching such a consensus.~~ **Supreme Court has construed the law to permit such a procedure.**