

RESOLUTION B

(Amending the Code of Ethics for the Town Council)

A RESOLUTION AMENDING THE CODE OF ETHICS FOR THE CHAPEL HILL TOWN COUNCIL TO COMPLY WITH NORTH CAROLINA GENERAL STATUTE 160D (2021-10-13/R-4)

WHEREAS, in July 2019 the North Carolina General Assembly enacted Session Law 2019-111, an act to clarify, consolidate, and reorganize the land-use regulatory laws of the State; and

WHEREAS, in June 2020 the North Carolina General Assembly enacted Session Law 2020-25, an act to complete the consolidation of land-use provisions into one chapter of the General Statutes as directed by S.L. 2019-111; and

WHEREAS, Session Laws 2019-111 and 2020-25 together establish a new section of the North Carolina General Statutes titled Chapter 160D: Local Planning and Development Regulation, intended to supersede Article 18 of Chapter 153A and Article 19 of Chapter 160A and to serve as the enabling legislation applicable to local government development regulation decisions; and

WHEREAS, the Town Council amended the Land Use Management Ordinance and other sections of the Town Code of Ordinances on May 19, 2021 to bring development regulations of the Town into compliance with Chapter 160D; and

WHEREAS, the Council [adopted its Code of Ethics](#) in accordance with North Carolina Session Law 2009-403 on November 22, 2010; and

WHEREAS, the Town Manager hereby requests that the Town Council amend Council and Advisory Board policies and procedures to comply with Chapter 160D.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council amends the Code of Ethics for the Town Council as follows:

SECTION 1

A new Section 4A., titled Conflicts of Interest, is hereby inserted as follows:

"Section 4A. Conflicts of Interest.

Council members shall abide by all provisions of NC General Statute 160D-109 addressing Conflicts of Interest.

Council members shall not 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 the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Council members shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

In any instance of the Council opening an Evidentiary Hearing, the Council serves as a quasi-judicial body. Council members shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed ex parte communications; a close familial, business, or other associational relationship with an affected person; or a financial interest in the outcome of the matter.

For purposes of these guidelines, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term also includes the step, half, and in-law relationships.

If a Council member believes they have a conflict of interest as identified above, then that member shall recuse themselves from voting on the matter. In the event a Council member does not recuse themselves, any fellow Council member may raise an objection to that member's participation, either at or prior to the hearing or vote on that matter. The remaining Council members shall then by majority vote rule on the objection.

In cases where a Council member establishes a conflict of interest, or where the Council upholds an objection to participation, the Council member shall remove themselves from the voting area."

SECTION 2

Resolution (2010-11-22/R-7) is hereby amended to document the date of this update as follows:

"Adopted this the **22nd** day of **November**, 2010.

Updated this the 13th day of October, 2021."

SECTION 3

Exhibit A, list items 9 and 10 are hereby amended to read as follows:

9. N.C.G.S. Sec. **160D-702(a)** ~~160A-381(a) and (d)~~ Grant of (zoning) power
https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160D/GS_160D-702.html
~~http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-381.html~~
10. N.C.G.S. Sec. **160D-109 Conflicts of interest** ~~160A-388(e1)~~Board of adjustment (voting by board or other board on **(including** quasi-judicial matters; impermissible conflicts)
https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_160d/GS_160d-109.html
~~http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-388.html~~"

SECTION 4

This resolution shall be effective upon adoption.

This the 13th day of October, 2021.