



TOWN OF CHAPEL HILL

Town Hall
405 Martin Luther King Jr.
Boulevard
Chapel Hill, NC 27514

Legislation Text

File #: [18-0075], Version: 1

Consider Proposed Revisions to the Ethics Guidelines for Town Advisory Boards and Commissions.

Staff:

Ralph Karpinos
Sabrina Oliver, Director
Beth Vazquez, Assistant Town Clerk

Department:

Town Attorney
Communications and Public Affairs

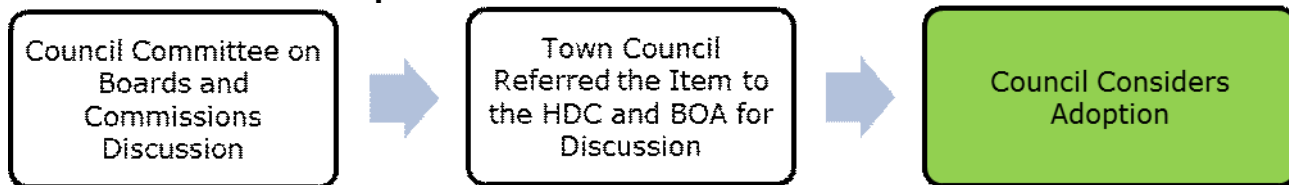
Overview: At its October 5, 2017 meeting, the Council Committee on Boards and Commissions recommended revising the ethics guidelines to include language specific to the statutory restrictions that apply to members of the Historic District Commission and Board of Adjustment when acting in their quasi-judicial capacity. At its November 29, 2017 business meeting, the Town Council referred the proposed changes to the Historic District Commission and the Board of Adjustment for their review and recommendations. Both the BOA and HDC reviewed the proposed revisions, and neither board objected to the changes.



Recommendation(s):

That the Council adopt the attached resolution approving proposed revisions to the Ethics Guidelines for Town Advisory Boards and Commissions.

Where is this item in its process?



Council Goals:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input type="checkbox"/>		Develop Good Places, New Spaces
<input type="checkbox"/>		Support Community Prosperity	<input type="checkbox"/>		Nurture Our Community
<input type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration



Attachments:

- Resolution
- Board of Adjustment Recommendation
- HDC Recommendation

A RESOLUTION TO AMEND THE ETHICS GUIDELINES FOR TOWN ADVISORY BOARDS AND COMMISSIONS TO INCLUDE LANGUAGE SPECIFIC TO THE STATUTORY RESTRICTIONS THAT APPLY TO MEMBERS OF THE HISTORIC DISTRICT COMMISSION AND THE BOARD OF ADJUSTMENT (2018-01-31/R-2)

WHEREAS, the Council adopted Ethics Guidelines for Advisory Boards and Commissions on March 1, 1999; and

WHEREAS, the current ethics guidelines do not include language specific to the statutory restrictions that apply to members of the Historic District Commission and Board of Adjustment; and

WHEREAS, the ethics guidelines could be amended to make clear to members of the Historic District Commission and Board of Adjustment their statutory obligation not to participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker; and

WHEREAS, at its October 5, 2017 meeting, the Council Committee on Boards and Commissions recommended revising the ethics guidelines to include language specific to the statutory restrictions that apply to members of the Historic District Commission and Board of Adjustment when acting in their quasi-judicial capacity; and

WHEREAS, at its November 29, 2017 business meeting, the Town Council referred these proposed revisions to the Historic District Commission and the Board of Adjustment for their review and recommendations; and

WHEREAS, at its December 7, 2017 meeting, the Board of Adjustment, after brief discussion, presented no opposition to the proposed changes to the ethics guidelines; and

WHEREAS, at its December 12, 2017 meeting, the Historic District Commission discussed the proposed changes to the ethics guidelines and expressed that it shares the value of a Commission that is, and is seen to be, operating under the highest ethical standards and supports the Council's interest in maintaining the trust of the public and providing due process to all parties; and

WHEREAS, at its January 9, 2018 meeting, the Historic District Commission endorsed sending a memorandum to the Council that, among other topics, addressed the willingness of its members to sign a document acknowledging their responsibilities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council amends the Ethics Guidelines for Town Advisory Boards and Commissions to read as follows:

"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.

In addition, members of the Historic District Commission and Board of Adjustment, when these boards are hearing cases, serve as quasi-judicial bodies. Pursuant to State Statute 160A-388(e)(2), members of these boards

"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."

Any member who violates ~~this provision~~ these Ethics Guidelines 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."

This the 31st day of January, 2018.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council amends the Ethics Guidelines for Town Advisory Boards and Commissions.