

Bylaws

ARTICLE I NAME

The name of this organization shall be the Raleigh Appearance Commission.

ARTICLE II OBJECT AND PURPOSE

The object and purpose of the Raleigh Appearance Commission shall be to make a careful study of the visual aspects of the city and its planning and zoning jurisdiction and to make plans and carry out programs that will enhance and improve the visual quality and aesthetic characteristics of such areas within the scope of the powers granted in Section 10-1021 of the Raleigh City Code.

ARTICLE III POWERS

The powers of the Raleigh Appearance Commission, as set forth in Raleigh City Code Section 10-1021 shall be to:

- (a) Enter, solely in performance of its official duties and only at reasonable times, under private land for examination or survey thereof. However, no member, employee or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof.
- (b) Conduct any meetings or hearings necessary to carry out the purposes of this ordinance. All meetings or hearings of the Commission shall be open to the public, and reasonable notice of the time and place thereof shall be given to the public.
- (c) To receive contributions from private agencies, foundations, organizations, individuals and the state or federal government, or any other source in addition to any sums appropriated for its use by the Council. It may accept and disburse these funds for any purpose within the scope of its authority as herein specified.
- (d) Powers of the community Appearance Commission shall include among others those powers and duties outlined in G.S. 160A-452 (1), (2), (3), (4), (5), and (6) (a.), (b.), (c.), (d.), (e.), (f.), (g.), and (h.).

ARTICLE IV ORGANIZATION OF THE COMMISSION

Section 1. Membership.

The Commission shall consist of not more than 15 members appointed by the City Council. All of the members shall reside within the jurisdiction of the City for planning and regulations of

development. The majority of the members shall have demonstrated special interest, experience, or education in the field of design such as architecture, landscape design, horticulture, city planning, or a closely related field.

The length of term of the members shall be no more than two years. All members shall be eligible for reappointment at the discretion of the City Council, up to a maximum of three terms (six years). In the event of a vacancy, the City Council shall be asked to fill the unexpired term.

The members of the Commission shall serve without compensation.

Section 2. Duties and Responsibilities.

The Commission meeting as a whole shall exercise the powers enumerated in Article C. Section 10-1021, except when it explicitly authorizes an officer or committee to act for it in a specific instance.

The Commission meeting as a whole shall elect its officers and adopt the annual operating and supplementary budgets of the Commission contingent upon actions by the City Council on appropriations requested by the Commission.

The Commission meeting as a whole shall authorize all major financial contracts and obligations by the Commission, except when it explicitly authorizes an officer or committee to act for it in a specific instance.

The Commission as a whole shall be responsible for 1) the review of appearance and environmental aspects of site plans for major public and private development projects and of conditional use district zoning cases, and 2) the issuing of design recommendations – based upon the City's appearance and environmental statutes, comprehensive plan, and current best practices – to the City Council. The Commission as a whole also develops procedural recommendations for the encouragement of good design in public and private projects. The Commission as a whole shall be responsible for 1) communicating the activities and recommendations of the Raleigh Appearance Commission to the public, and for encouraging community interest and involvement in local appearance matters, 2) the collection and study of data, legislation, ordinances, text changes, and standard procedures that pertain to community appearance and the visual environment, and preparing recommendations and proposals to the City Council concerning such material, and 3) providing collaborative coordination of special projects with other boards and agencies, toward the general betterment of the visual aspects of the City.

Section 3. Meetings.

The Commission shall hold regularly scheduled monthly meetings, except that the meetings in July or December may be canceled at the discretion of the Chairman. Special meetings may be called at the discretion of the Chairman and shall be called upon written request of at least one-third of members of the Commission provided that written notice of special meetings be given to Commission members one week in advance of the meeting.

One third of the members shall constitute a quorum at a regular or special meeting of the Commission.

The Chairman may request the removal of any member who has three consecutive unexcused absences or who is absent from a total of six regular meetings within a given fiscal year.

ARTICLE V OFFICERS

Section 1. Personnel and Terms.

The elected officers shall consist of a Chairman and a Vice-Chairman whose terms shall be for one year. The terms of these officers shall begin on September 1. The duties of a secretary and treasurer shall be handled by staff in accordance with Section 10.1021(h).

Section 2. Chairman.

The Chairman shall be the chief executive officer of the Commission and shall approve agendas for and preside over the regular and special meetings of the Commission; shall appoint committees and designate their chairmen; and shall be an ex-officio member of all committees. The Chairman shall sign all financial contracts and obligations authorized by the Commission or by an officer or committee authorized by the Commission.

Section 3. Vice-Chairman.

The Vice-Chairman shall assist the Chairman and perform the duties and exercise the powers of the Chairmen in his absence.

Section 4. Election of Officers.

The nomination and election of the Chairman and Vice-Chairman shall occur during the regular August meeting of the Commission. A slate of officers prepared by a nominations committee, appointed by the Chairman, shall be presented. There may be additional nominations from the floor. In the event of two or more candidates for one office, there shall be a secret written ballot. Election shall be by a majority of those present and voting. In the event of a vacancy in the offices of Chairman or Vice-Chairman, the vacancy shall be filled by a nomination and election at the next regular meeting following the meeting at which the vacancy has been announced.

ARTICLE VI OTHER COMMITTEES

The Commission may authorize the Chairman to create special or ad hoc committees as needed and to appoint additional, non-Commission members to serve on such committees. The Commission may also authorize the Chairman to appoint former Commission members to

represent the Commission for limited purposes provided that the scope and term of the appointment are specified in writing.

ARTICLE VII ETHICS POLICY

Section 1. **Declaration of Policy.** The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, an ethics policy for the Appearance Commission is hereby adopted. The purpose of this policy is to establish guidelines for ethical conduct for all members.

Section 2. **Definitions.** For purposes of this Article, the following definitions shall apply:

- (a) *Member* means any duly appointed member of the Commission and any person appointed under Article VII to serve on a committee or to represent the Commission.
- (b) *Business entity* means any proprietorship, partnership, association, venture, trust or corporation organized for financial gain or for profit.
- (c) *Immediate household* means the member, his spouse and all of the member's dependent children.
- (d) *Interest* means direct or indirect pecuniary or material benefit accruing to a member as a result of a contract or transaction which is or may be the subject of an official act or action by or with the city. A member shall be deemed to have an interest in the affairs of:
 - (1) Any person in his immediate household;
 - (2) Any business entity in which the member is an officer, partner or director;
 - (3) Any business entity in which in excess of one (1) percent of the stock of, or legal or beneficial ownership of, is controlled or owned directly or indirectly by the member and his immediate household;
 - (4) Any interest of an employer.
- (e) *Official act or action* means participation by a member in any legislative, administrative, advisory or discretionary act of the Commission.

Section 3. **Standards of Conduct.** Scope. All members shall be subject to and abide by the following standards of conduct:

- (a) Use of official position. No member shall use his official position or the city's facilities for his private gain.

- (b) Gifts. No member shall directly or indirectly solicit, accept or receive any gift having a value of fifty dollars (\$50.00) or more in any form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of an official act. This section does not prohibit meals consumed at a function in which the entire membership of the Commission is invited.
- (c) Special treatment. No member shall by official action grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.
- (d) Disclosure of Interest in Official Action. Any member who has an interest in any official act or action before the Commission shall disclose such interest at the beginning of consideration of the matter, and the Chairman shall excuse the member from further participation in the matter.

Section 4. **Advisory Opinions.** When any member has a doubt as to the applicability of any provision of this policy to a particular situation, or as to the definition of terms used in this policy, he may apply to the city attorney for an advisory opinion. The member shall have the opportunity to present his interpretation of the acts at issue and of the applicability of provisions of this policy before such advisory opinion is made.

Section 5. **Penalty for Violation.** If any member is found to have violated any provision of this policy, he may be subject to public censure.

ARTICLE VII AMENDMENTS

These bylaws may be amended by a two-thirds vote of the members present and voting at any regular meeting of the Commission, provided that the total votes in favor of the amendment is a majority of the membership of the Commission, and provided that the text of the proposed amendment has been presented at the previous meeting and mailed to the members at least two weeks advance of the meeting at which it is to be voted upon.

*Revised 11/29/12
Approved by City Council 1/15/13*