

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 538
Apr 3, 2013
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH80175-ST-45 (02/22)

Short Title: Apex Land Use Changes.

(Local)

Sponsors: Representative Dollar.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE TOWN OF APEX TO CONTINUE COMMUNICATIONS WITH
3 RESIDENTS AND OTHERS ON OTHER MATTERS PENDING A DECISION OF THE
4 BOARD OF ADJUSTMENTS.
5 The General Assembly of North Carolina enacts:
6 **SECTION 1.** G.S. 160A-388(e1) reads as rewritten:
7 "(e1) A member of the board or any other body exercising ~~quasi-judicial functions~~
8 ~~pursuant to this Article~~ the functions of a board of adjustment shall not participate in or vote on
9 any quasi-judicial matter in a manner that would violate affected persons' constitutional rights
10 to an impartial decision maker. Impermissible conflicts include, but are not limited to, a
11 member having a fixed opinion prior to hearing the matter that is not susceptible to change,
12 undisclosed ex parte communications, a close familial, business, or other associational
13 relationship with an affected person, or a financial interest in the outcome of the matter. If an
14 objection is raised to a member's participation and that member does not recuse himself or
15 herself, the remaining members shall by majority vote rule on the objection."
16 **SECTION 2.** G.S. 160A-393 is repealed.
17 **SECTION 3.** G.S. 160A-377 is repealed.
18 **SECTION 4.** This act applies to the Town of Apex only.
19 **SECTION 5.** This act is effective when it becomes law, and applies to decisions of
20 the board of adjustment on or after that date.

