

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 538
Committee Substitute Favorable 4/22/13

Short Title: Apex Land Use Changes.

(Local)

Sponsors:

Referred to:

April 4, 2013

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 QUASI-JUDICIAL
4 DECISION.

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16 **SECTION 2.** G.S. 160A-393 is repealed.

17 **SECTION 3.** G.S. 160A-377 is repealed.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
20 quasi-judicial decisions of the Town on or after that date.



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