BY-LAWS

ZONING, PLANNING AND LAND USE LAW SECTION

NORTH CAROLINA BAR ASSOCIATION

Article I

Name and Purpose

Section 1. **Name.** This Section shall be known as the Zoning, Planning and Land Use Law Section of the North Carolina Bar Association.

Section 2. **Purpose.** The purpose of this Section shall be to further the purposes of the North Carolina Bar Association as stated in Article 1.2 of its By-Laws within the field of Zoning, Planning and Land Use Law by bringing together members of the North Carolina Bar Association with a special interest in this field; to provide its members an opportunity to come together to discuss relevant issues and exchange information and ideas; to develop continuing education and other programs pertinent to this field; to further the orderly development of the law within this field and all of its branches; to formulate and extend the study of this field of law; to address legislation touching on or affecting this field of law; and to simplify and improve the application of justice in this field of law. The activities of the Section shall be in furtherance of these purposes and conducted in accordance with the policies, rules and regulations promulgated by the Board of Governors of the North Carolina Bar Association.
Article II

Membership

Section 1. **Eligibility.** Any member in good standing of the North Carolina Bar Association is eligible for membership in this Section.

Section 2. **Admission to Membership.** Any member of the Association, upon application and upon payment of dues for the current year shall be enrolled as a member of this Section. Thereafter, such dues shall be paid in advance each year beginning on July 1, next succeeding such enrollment. Members so enrolled and whose dues are so paid shall constitute the membership of this Section. Any member of this Section whose annual dues shall be more than six months past due shall thereupon cease to be a member of this Section. The President, President-Elect and Executive Director of the North Carolina Bar Association shall be *ex officio* members of the Section.

Section 3. **Affiliate Members.** A non-lawyer who is active in the field of zoning, planning and land use law as an employee of federal, state or local government is eligible for affiliate membership in this Section. A person desiring affiliate membership in this Section shall submit a written application to the Association. The dues for affiliate membership shall be the same as those charged regular members of the Section. Affiliate members of the Section shall not be eligible to vote as a member of the Section or to hold office in the Section. Affiliate membership in the Section does not constitute and will not be considered as membership in the North Carolina Bar Association.
Affiliate members shall be eligible to serve as members of the Section Council and enjoy all other privileges of Section membership, including service on standing and special committees.

Section 4. **Eligibility for Officer/Council Positions** Only members in good standing with the Zoning, Planning, and Land Use Section shall be eligible for consideration as an Officer under Article III below or as a Council member under Article IV below, and such members shall remain in good standing with the Zoning, Planning and Land Use Section during their tenure as an Officer or Council member hereunder.

**Article III**

**Officers**

Section 1. **Officers**. The officers of the Section shall be a Chair, a Vice-Chair, a Secretary and a Treasurer elected from the membership of the Section.

Section 2. **Term of Office**. Each officer shall hold office for a term beginning at the close of the annual meeting of the Association following the election or appointment of such officer and ending at the close of the next succeeding annual meeting of the Association. Any officer elected or appointed in the course of a term to fill a vacancy shall serve only until the close of the next annual meeting of the Association, unless elected as provided below.

Section 3. **Election and Appointment of Officers**. The Chair and Vice-Chair of the Section shall be appointed by the President-Elect of the North Carolina Bar
Association. The Section Council shall, not later than March 1 of each year, forward recommendations for such offices in writing to the then President-Elect of the North Carolina Bar Association. The membership shall elect the Secretary and Treasurer of the Section as provided in Article VI.

Section 4. **Chair.** The Chair shall perform the duties and have the responsibilities of the chief executive officer of the Section; shall preside at meetings of the Section Council and at meetings of the Section; shall supervise the performance of all activities of the Section; shall keep the Section Council duly informed and carry out its decisions; shall present at each annual meeting of the North Carolina Bar Association a report of the work of the Section for the year; and shall perform such further duties and have such further powers as pertain to the office or as may be designated by the Section Council.

Section 5. **Vice-Chair.** The Vice-Chair shall assume the duties of the Chair in the absence of the Chair and shall have such other and further duties as the Chair or the Section Council, from time to time, may provide.

Section 6. **Secretary.** The Secretary shall, in consultation with the Director of Section Activities of the North Carolina Bar Association, maintain the rolls and records of the Section and shall prepare and maintain such other records and reports of the Section as may be necessary. The Secretary shall have such other duties as the Chair or the Section Council, from time to time, may provide.
Section 7. **Treasurer.** The Treasurer shall, in consultation with the Director of Section Activities of the North Carolina Bar Association, maintain the financial records of the Section and shall provide such reports and records of the Section as may be necessary. The Treasurer shall have such other duties as the Chair or Section Council, from time to time, may provide.

**Article IV**

**Section Council**

Section 1. **Composition.** The Section shall have a Section Council composed of the officers of the Section, the immediate past Chair of the Section and twelve other members elected by the membership of the Section. All past Chairs of the Section other than the immediate past Chair of the Section shall be *ex officio* members of the Section Council.

Section 1.a. **Young Lawyers.** At least one voting member on the Section Council shall be 36 years of age or younger at the time of election.

Section 2. **Term.** Each member of the Section Council shall hold office for a term beginning at the close of the annual meeting of the Association following election and ending at the close of the third succeeding annual meeting of the Association, except that of the initial members of the Section Council, four shall be elected to a term of one year, four to a term of two years and four to a term of three years.

Section 2.a. **Vacancy.** Section Council members elected in the course of such a term to fill a vacancy shall, if elected by the Section Council, serve only until the close of
the next annual meeting of the Association or, if elected at the annual meeting of the
Section, serve only for the unexpired remainder of the term, unless later elected for a
regular term as provided below.

Section 3. **Ineligibility.** Only members of the Section shall be eligible to serve as
Officers or as members of the Section Council. No person shall be eligible for election
as a member of the Section Council if such person is at that time serving as a member of
the Section Council and has been so continuously for three years or more, but this
provision shall not bar the election of any such person as an officer of the Section.

Section 4. **Attendance at Meetings.** If any elected member of the Section Council
shall fail to attend three successive meetings of the Section Council without good cause,
such member's office shall be automatically vacated.

Section 5. **Duties.** The Section Council shall, subject to the action of the members
taken at annual meetings of the Section, have general supervision and control of the
affairs of the Section but only in accordance with the provisions of the By-Laws of the
North Carolina Bar Association and the By-Laws of this Section and subject to the
control of the Board of Governors of the North Carolina Bar Association. The Section
Council shall authorize expenditure of all monies of the Section or monies appropriated
for its use. Between annual meetings of the Section, the Section Council may fill
vacancies in its own membership or in the office of any officer of the Section, exclusive
of Chair or Vice-Chair, but the term of office of any person so elected shall terminate at
the close of the next annual meeting of the Association.

Section 6. **Committees.** The Section Council may create and terminate such
standing committees as it may deem appropriate and shall establish the jurisdiction of
such committees and resolve any disputes among them. The Chair or the Section Council may create special committees, as either may deem appropriate. Special committees shall terminate at the end of the next annual meeting of the Association unless expressly reappointed. The Chair of the Section shall appoint the Chair and members of all committees of the Section who are to hold office during the Chair's term of office.

Section 7. **Meetings of the Section Council.** The Section Council shall meet at least four times each year. The Section Council may meet in special session at any time and place on the call of the Chair, any four members of the Section Council, or the President or Board of Governors of the North Carolina Bar Association. Any such meeting shall be on not less than five business days notice. Notice may be given by email, telefax or regular mail.

Section 8. **Quorum.** All action of the Section Council shall be by affirmative vote of a majority of the members of the Section Council. Members of the Section Council, if personally present at a meeting, shall vote in person but, if absent, may communicate their vote in writing, on any proposition to the Secretary and such vote shall have the same effect as if cast in person at the meeting.

Section 9. **Informal Action.** The Chair may submit any matter to the Section Council for a vote without calling a meeting of the Section Council. In such event all members of the Section Council must be advised of matter in writing by email, telefax or regular mail delivered at least one business day prior to the vote. Voting may be by telephone or other voice medium but all such votes shall be confirmed in writing.
Section 10. **Executive Committee.** There shall be a standing committee denominated as the Executive Committee. It shall be chaired by the Chair of the Section and shall have as its other members the Immediate Past Chair of the Section, the Vice-Chair of the Section, the Secretary of the Section, the Treasurer of the Section and at least two other members of the Section Council. It shall have the power to act in the place and stead of the Section Council in the intervals between meetings of the Section Council. Five of the seven members shall constitute a quorum, and all action shall be by a majority vote of those present. The Chair or Vice Chair of the Section may call a meeting of the Executive Committee upon reasonable notice to all committee members. Any action of the Executive Committee shall be reported at the next meeting of the Section Council.

**Article V**

Meetings of the Section

Section 1. **Annual Meeting.** The annual meeting of the Section shall be held each year on a date and at a time and place to be determined by the Section Council for the purpose of carrying out its normal business and electing its officers.

Section 2. **Special Meetings.** Special meetings of the Section may be called by the Chair upon the approval of the Section Council at such time and place as the Section Council may determine and with such program and order of business as may be arranged by the Chair subject to the direction and approval of the Section Council.

Section 3. **Quorum.** The members of the Section present at any meeting shall constitute a quorum for the transaction of business.
Section 4. **Action.** All action by the Section shall be by a majority vote of the members present.

**Article VI**

**Elections**

Section 1. **Nominations.** Annually, the Chair of the Section shall appoint a nominating committee of five members of the Section. The current Section Chair shall also serve on the committee as an *ex officio* member. The nominating committee may solicit suggestions for nominations from the membership of the Section and shall submit its nominations for the offices of Secretary, Treasurer and four members of the Section Council and its recommendations for Chair and Vice-Chair provided that the initial report of the nominating committee shall include nominations for twelve members of the Section Council, four of whom shall be nominated for a term of one year, four of whom shall be nominated for a term of two years and four of whom shall be nominated for a term of three years. In addition, in any year when vacancies exist, or will occur at the close of the annual meeting of the Association, the nominating committee shall submit such further nominations as may be necessary to fill the vacancies. Other nominations may be made only by any Section member from the floor at the annual meeting of the Section provided that the nominee has agreed to serve. The Chair of the Nominating Committee shall submit all nominations to the annual meeting of the Section.

Section 2. **Substitution of Nominees.** In the event any person nominated by the Nominating Committee is for any reason unable or unwilling to serve, the Nominating
Committee is empowered to substitute names at any time before the presentation of its report to the Annual Meeting.

Article VII

Fiscal Matters and Reports

Section 1. Budget. The Section Council shall annually determine and adopt a budget for the operation of the Section for the fiscal year and shall, upon request, submit the budget to the Board of Governors of the North Carolina Bar Association for its review and approval.

Section 2. Expenditure of Funds. The Section Council shall determine and approve all expenditures of funds in furtherance of its activities consistent with these By-Laws and the By-Laws of the North Carolina Bar Association, provided, however, that no expenditure of funds in excess of those actually on hand may be made nor may any such expenditure obligate the North Carolina Bar Association in any financial matter.

Section 3. Annual Report. An annual report of the activities of the Section will be submitted to the Board of Governors and the President of the North Carolina Bar Association. In addition, such other reports as may be requested by the Board of
Governors or the President of the North Carolina Bar Association will be submitted in a timely manner.

Section 4. **Dues.** The Section Council shall determine the dues of the Section. Any change in annual dues of the Section shall be made by the Section Council and submitted to the Board of Governors of the North Carolina Bar Association prior to its spring meeting for the approval of that body and, upon such approval, shall be effective for the next succeeding Association year.

**Article VIII**

**Miscellaneous**

Section 1. **Publications.** The Section Council may determine and provide for the publication and distribution of a newsletter or other publication of the Section in the furtherance of its objectives. Any such publication or publications shall be produced in consultation with the President and Executive Director of the North Carolina Bar Association.

Section 2. **Continuing Legal Education.** All continuing legal education programs, except such publications as the Section may be authorized to publish, shall be conducted in consultation with the Continuing Legal Education Committee of the North Carolina Bar Foundation in order that the North Carolina Bar Association may continue to coordinate continuing legal education programs so as to provide the greatest possible benefit to all members of the Association.
Section 3. **Amendments.** These By-Laws may be amended at any annual meeting of the Section consistent with the By-Laws of the North Carolina Bar Association by a majority vote of the members of the Section present and voting, provided that such proposed amendment shall have been, or shall be, approved by a majority of the Section Council. Upon such approval by the Section, such amendments shall be presented for approval to the Board of Governors of the North Carolina Bar Association, and no amendment so adopted shall become effective until so approved.

Section 4. **Authentication.** These By-Laws initially were approved by the Board of Governors of the North Carolina Bar Association on April 8, 2005 and revised on January 19, 2006.