

# BYLAWS

## *NEW KENT COUNTY PLANNING COMMISSION*

### Recitals

The New Kent County Planning Commission (“Commission”) has been established in conformance the Code of Virginia, § 15.2-2210, et seq., the New Kent County Code of Ordinances, § 18.2-231, et seq., and with the resolution adopted by the Commission of Supervisors in New Kent County on February 8, 1960.

Previously, the Commission has adopted these Bylaws in order to facilitate the exercise of its power and duties in accordance with the provisions of Chapter 25, Title 15, Article 3, Code of Virginia. These Bylaws were adopted June 3, 1986 and revised and readopted on February 19, 1992, August 16, 1994, December 15, 1995, March 17, 2003, April 20, 2009, January 19, 2010, February 22, 2011, November 21, 2011, January 17, 2012, January 22, 2013, March 17, 2014, January 20, 2015, January 19, 2016, February 21, 2017, June 19, 2017, February 19, 2019, February 18, 2020, February 16, 2021, January 18, 2022, and January 17, 2023.

### ARTICLE I OFFICERS AND THEIR SELECTION

A. The Officers of the Commission shall consist of a Chairman, a Vice Chairman, a Chairman for Public Hearings, and a Vice Chairman for Public Hearings, each of whom shall be a citizen member of the Commission and shall serve for a one-year term. The Director of Planning or his/her designee shall serve as the Secretary to the Commission.

B. Commissioners shall nominate candidates for office during the first meeting of each calendar year. Election of officers shall follow immediately.

C. A candidate receiving a majority vote of the members present and voting shall be elected. In the event of a plurality, the candidate receiving the largest number of votes shall be elected. Tie votes shall be subject to a run-off election.

D. Elected officers shall serve until a successor takes office. An officer may succeed himself or herself for one additional term. Whenever a vacancy in office occurs, the Commission shall immediately elect a replacement officer using the procedures set forth above. Newly elected officers shall take office immediately upon election.

### ARTICLE II DUTIES OF OFFICERS

A. The Chairman shall:

1. Preside at all meetings of the Commission.
2. Appoint committees, special and/or standing.
3. Rule on all procedural questions.
4. Approve all agenda items.
5. Carry out other duties as assigned by the Commission.

B. The Vice Chairman shall assume the duties of the Chairman in the Chairman’s absence or inability to act.

- C. The Chairman for Public Hearings shall:
  - 1. Preside over all public hearings of the Commission.
  - 2. Preside over the Commission's business in all joint public hearings of the Commission and the Board of Supervisors.
  - 3. Rule on all procedural questions during the public hearing.
- D. The Vice Chairman for Public Hearings shall assume the duties of the Chairman in the Chairman's absence or inability to act.
- E. The Secretary shall:
  - 1. Keep the minutes of the Commission.
  - 2. Maintain the files and written records of the Commission.
  - 3. Publish the Notice for all meetings and public hearings of the Commission to the Commissioners and the public.
  - 4. Certify all maps, records, and reports of the Commission.
  - 5. Attend to the correspondence of the Commission.
  - 6. Prepare all agenda items for the Chairman's approval.
  - 7. Draft and sign all correspondence necessary for the execution of the duties and functions of the Commission.
  - 8. Communicate all short suspense items by telephone/electronic communication in lieu of normal correspondence.

### **ARTICLE III** **AGENDA PREPARATION POLICY**

- A. The Secretary shall prepare an agenda for each regular meeting of the Commission, with the concurrence of the Director of Planning. Commissioners, staff, and others may submit to the Secretary items for the agenda at any time prior to Noon Monday three (3) weeks preceding the regular meeting at which such item is to be considered. The Chairman shall approve all agenda items.
- B. The Secretary shall make copies of the agenda available for each Commissioner. The County Administrator shall make copies of the agenda available for members of the news media serving the County no later than seven (7) calendar days preceding the meeting to which it relates.
- C. The Secretary shall deliver minutes from the previous month's meeting to the Commissioners with the agenda prior to the first meeting of the month. Unless requested by a Commissioner, the Commission shall dispense with a reading of the minutes and the minutes will be approved upon motion and vote of the Commission.
- D. Procedure for Dealing with Items Not On the Agenda
  - 1. The Commission shall not consider any matter not on the agenda except at the discretion of the Chairman. The Commission shall not act upon any matter not listed on the agenda over the objection of any three members present.
  - 2. For any special meeting, the call for such meeting shall state the business to be discussed. The Chairman or Secretary shall prepare a written agenda listing all items to be

considered for every special meeting. No other business shall be discussed or acted upon over the objection of any member present.

## **ARTICLE IV** **MEETINGS**

A. The time and place of Commission meetings shall be set from time to time by approval of the Commission. When a meeting date would fall on a legal holiday, or when a meeting must be postponed because of inclement weather or other similar circumstances; the meeting shall be held on the next business day on which the County offices are opened.

B. If there are no public hearings scheduled for a meeting, the Chairman has the discretion to cancel the meeting up to seven days prior to the scheduled meeting. The Secretary will notify the Commissioners via US mail of the cancellation and will post the cancellation notice in the appropriate place at least five days prior to the scheduled meeting.

C. The Chairman, or two members, may call a Special Meeting of the Commission upon written request to the Secretary. The Secretary shall mail to all Commissioners, at least five days in advance of a Special Meeting, a written notice fixing the time and place of the meeting and the purpose thereof.

D. Order of Business

1. The order of business for a regular meeting shall be:

- a. Call to order
- b. Moment of Silence and Pledge of Allegiance
- c. Roll call
- d. Determination of a quorum
- e. Approval of minutes
- f. Citizen comment period
- g. Presentations
- h. Unfinished business
- i. Public hearings
- j. New business
- k. Chairman's report
- l. PlanRVA appointee report
- m. Commissioners' report
- n. Staff report
- o. Meeting schedule
- p. Adjournment

2. The Chairman has the authority to alter this order of business if the Chairman deems it necessary. Public Hearings will take place at 6:30 p.m. or as soon thereafter as possible.

E. Quorum and Voting

1. A majority of the members of the Commission shall constitute a quorum.

2. Every member who is in the meeting room when the question is put, shall vote or state the reason for abstaining. The member shall announce such intention to abstain at the time the

issue comes before the Commission and shall not participate in the discussion on such issue or question.

3. No action of the Commission shall be valid unless a majority vote of those present and voting authorizes it. Voting may be by roll call, in which case the Secretary shall keep a record as a part of the minutes.

4. A recorded roll call vote shall be taken on matters as required by law and on other matters as deemed appropriate by the Chair or at the request of any member.

F. Procedure for Roll Call of Commission Members

1. The Chairman of the Commission shall cast the last vote.
2. The members of the Commission shall cast votes in district order on a rotating basis.
3. The Chairman or Secretary of the Commission shall restate all motions before a vote is taken and the result of the vote shall be announced following each vote.

G. General and Special Rules of Procedure

1. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Commission may adopt.

2. Members need not rise when speaking.
3. Motions need not be seconded.
4. There is no limit to the number of times a member can speak to a question.
5. Informal discussion of a subject is permitted while no motion is pending.
6. The Chair need not rise while putting questions to vote.
7. The Chair may speak in discussion without rising or relinquishing the Chair.
8. The Chair may make motions and vote on all questions.
9. Should any member have three (3) absences from a regular meeting in a calendar year; written notification of those absences will be given by the Chairman of the Planning Commission to the Board Supervisor who appointed that member.

H. Members Absenting Themselves from Meeting Prior to Adjournment

1. After the names of members of the Commission have been recorded as present at any meeting of the Commission, the members shall not absent themselves before adjournment unless by consent of the Commission.

I. Commission to Sit With Open Doors

1. The Commission shall sit with open doors and all persons conducting themselves in an orderly manner may attend the meetings; however, the Commission may hold closed sessions as permitted by law and when deemed necessary by a majority vote of the Commission.

2. The Commission shall keep a set of minutes of all meetings, committee meetings, sub-committee meetings, and public information meetings. The Minutes are public record.

3. All official papers and plans involving the authority of the Commission shall bear the signature of the Chairman together with the certification signed by the secretary and chairman.

J. Procedure to Address the Commission

1. When any person, including Commission members, speaks to the Commission, they shall address the Chairman and shall confine themselves strictly to the question before the Commission.

2. No person in attendance at a meeting of the Commission shall be permitted to address the Commission while members are considering any motion, resolution, or ordinance preliminary to a vote on the same, except at the discretion of the Chairman.

K. Citizens Comment Period

1. Any person who wishes to speak at the Public Comment Period shall indicate their name, address, and topic on the Public Comment register.

2. The Chairman after opening the Public Comment Period will call on each speaker in the order their names appear on the register.

3. Each speaker shall state his or her name and address for the record.

4. Each speaker shall be allowed three (3) minutes for comments unless additional time is granted by the Commission. If a speaker represents a group, there shall be a time limit of seven (7) minutes. A group shall be defined as a number of individuals considered or classed together because of similarities, such as: civic organizations, homeowners' associations, business and professional organizations. Family members, kin, or family relatives are not considered a "group" in this definition.

5. All comments will be addressed to the Chair.

6. All items presented during citizens comment period will be taken under advisement by the Commission. The Commission will take no action on items brought to the attention of the Commission during citizens comment period, unless such action is taken in accordance with Article V of these bylaws.

L. Public Hearings

1. All public hearings will be advertised to begin at 6:30 p.m. or as soon thereafter as possible, unless otherwise directed by the Chairman and will be conducted thereafter at the Commission's discretion. Public hearings may be postponed, continued, or canceled at the discretion of the Commission.

2. In addition to those required by law, the Commission at its discretion may hold public hearings when it decides that a hearing will be in the public interest.

3. The following rules shall apply to public hearings:

a. The case before the Commission shall be summarized by the Chairman for Public Hearings or member delegated by the Chairman for Public Hearings. Any person who wishes to speak at the public hearing shall indicate their name and address on the register for that hearing.

b. After opening the public hearing, the Chairman for Public Hearings will call on each speaker in the order their names appear on the register.

c. Each speaker shall state his or her name and address for the record.

d. Each speaker shall be allowed three (3) minutes for comments unless additional time is granted by the Chairman for Public Hearings. If the speaker represents a group there shall be a time limit of seven (7) minutes. A group shall be defined as a number of individuals considered or classed together because of similarities, such as: civic organizations, homeowners' associations, business and professional organizations. Family members, kin, or family relatives are not considered a "group" in this definition.

e. Speakers shall restrict their comments to the item for which the public hearing is being held. All comments will be addressed to the Chairman for Public Hearings.

4. The following format shall apply to the conduct of public hearings, which the Chairman for Public Hearings may change in his or her discretion:

- a. Staff report on the Item.
- b. Presentation or comments by the applicant or their representative. Interested parties shall have the privilege of the floor.
- c. Questions or comments by the Commission members.
- d. Formal opening of the public hearing by the Chairman for Public Hearings.
- e. Comments by the Public.
- f. Further comment by the applicant or their representative.
- g. Formal closing of the public hearing by the Chairman for Public Hearings.
- h. Discussion and action by the Commission, including the recall of persons who have spoken previously.

## **ARTICLE V**

### **APPOINTMENT OF STANDING AND SPECIAL COMMITTEES**

A. The Chairman of the Commission shall appoint committee members to any permanent or temporary committee established by the Commission. The Chairman shall make his committee appointments within thirty (30) days of passage by the Commission of a resolution creating a committee.

B. Appointments to other commissions and boards shall be approved by vote of the entire Commission. Whenever possible, membership on such bodies shall be proportional by election districts. Individuals who move from a district to another district or change districts due to redrawing of the district lines during their term of office shall remain in office until the expiration of their term. If any commission or board contains an odd number of members, the district under-represented shall be on a rotating basis.

C. The Commission shall charter all committees, whether permanent or temporary. The charter shall, at a minimum, prescribe the committee's mission, membership, and duration,

authorize or prohibit the expenditure of public funds, and set forth any reports, results or other item the committee shall deliver to the Commission.

D. Standing committees may be appointed for one (1) year, the Commission Chairman shall fill vacancies immediately.

E. Special committees may be appointed by the Chairman for purposes and terms approved by the Commission.

## **ARTICLE VI** **AMENDMENTS**

A. These Bylaws may be amended upon the recorded vote of two-thirds (2/3) of the Commission's entire membership in the first regular meeting of the Commission following the meeting in which the amendment is proposed.