

NELSON COUNTY PLANNING COMMISSION BYLAWS

ARTICLE I

Name

The name of the organization shall be the NELSON COUNTY PLANNING COMMISSION.

ARTICLE II

Authority for Establishment and Purpose

The Planning Commission is established under the authority of the Code of Virginia (1950, as amended), Chapter 22, and Article 2. The purpose of the Nelson County Planning Commission (the "Commission") is to promote the orderly development of Nelson County and its environment. The Commission serves primarily in an advisory capacity to the Board of Supervisors ("the Board"), and serves to improve public health, safety, convenience, and welfare of County citizens.

ARTICLE III

A. Powers and Duties of the Commission

1. The Commission shall have and exercise the powers and duties conferred upon the Commission by the Code of Virginia (1950, as amended), the Code of the County of Nelson, Virginia, 1989, as amended, and any applicable County policies.
2. To make recommendations to the Board and assist them in the administration of the Zoning and Subdivision Ordinances, the Comprehensive Plan, other County policies and matters affecting the development and growth of the County and other matters as may be directed by the Board.
3. To promote programs, policies and plans to achieve a desirable distribution of population and land development within the County to facilitate effective and adequate provision of public services and facilities.
4. To appoint any committees or subcommittees.
5. By a majority vote, establish a work program with projects and priorities.

B. Membership, Elections and Appointments

1. The Commission shall consist of six (6) members appointed by the Board as follows:
 - a) Five (5) members shall be drawn from the five (5) election districts in the County. Each of the five (5) members shall be a resident in an election district distinct from one another, such that at least one (1) resident from each election district holds membership on the Commission.
 - b) One (1) member shall be a member of the Board, and shall act as a liaison to the Board. The liaison shall be appointed to the Commission annually by the Board at its first organizational meeting in January. The liaison shall not have a vote on matters before the Commission; except when electing the Chair and Vice Chair.
 - c) Each Commission member shall be a resident of the County, qualified by knowledge and experience to make decisions on questions of community growth, development, and preservation.
 - d) Commission members shall be appointed to four-year terms, except that appointments for vacancies occurring otherwise than by expiration of a four-year term shall be for the unexpired term. A member whose term expires shall continue to serve until a successor qualifies and is appointed.
 - e) If the Board does not receive an application from a qualified applicant in response to a duly advertised vacancy on the Commission for a seat otherwise filled, it may appoint a person residing in an election district in which a sitting Commission member appointed already resides.
2. The Commission shall elect a Chair and a Vice-Chair at the first annual meeting of the Commission. The Chair and Vice-Chair shall be elected from its own appointed membership. These officers shall serve annual terms and may succeed themselves.
 - a) The Chair shall have the following duties:
 1. Preside at meetings of the Commission, promote the orderly and expeditious conduct of the meeting, and

- such other duties as are usually exercised by the Chair of a Commission or as may be assigned by the Commission or Board.
2. Preserve order and decorum; decide questions of order and procedure; and set reasonable time limits for speakers and public hearings provided that by majority vote the Commission may reject such time limits.
 3. The Chair may speak and vote on all questions.
- b) In the absence or disability of the Chair and Vice-Chair, the member with the most seniority, alphabetically, shall preside as Temporary Chair until the Chair or Vice-Chair is present or is elected.
 - c) Any vacancy in the office of Chair or Vice-Chair may be filled by a majority vote of the Commission members present at the next meeting after such vacancy has occurred.
3. The Director of Planning and Zoning (Director), or other staff member, shall serve as Secretary to the Commission. In their absence, the Director shall designate a Temporary Secretary. The Secretary or their designee, shall have the following duties:
 - a) Perform the duties specified in these Bylaws and those assigned by the Commission, Chair or Board.
 - b) Attend all Commission meetings and ensure that minutes are taken.
 - c) Maintain all official books, papers, maps and records of the Commission and conduct all official correspondence of the Commission.
 - d) Notify the Vice-Chair, by telephone or in person, as soon as possible after the Secretary is informed that the Chair will not attend a future Commission meeting.
 - e) Notify the Temporary Chair, by telephone or in person, as soon as possible after the Secretary is informed that the Chair and Vice-Chair will not attend a future meeting.
 - f) Publish notice of public hearings in accordance with Section 15.2-2204 of the Code of Virginia.
 - g) When required by law, notify all applicants of the final action of the Commission on tentative subdivision plans, schematic plans, site plans, development standard waivers, appeals or any other item on which the Commission has final authority.

- h) Forward applications to amend, supplement or change the district boundaries or regulations of the zoning ordinance to the Commission with recommendations, if any.
 - i) Forward Commission recommendations to the Board. If the Commission's vote is split, or if the Commission's recommendation differs from staff's recommendations, both positions shall be explained. Attend Board meetings as required.
- 4. The Board member shall report to the Commission on all action taken by the Board on applications referred to it by the Commission.

ARTICLE IV

A. Committees

- 1. Committees shall be established by majority vote of the Commission as deemed necessary.
- 2. Each committee shall consist of no fewer than two (2) appointees, at least one (1) of whom shall be a member of the Commission.
- 3. Subcommittees of committees shall be appointed by majority vote of any committee.
- 4. The members of committees (including subcommittees) shall serve until a reassignment is made of a committee member by a majority vote of the Commission or a committee member resigns with written notice to the Secretary. Any vacancy in committees shall be filled by a majority vote of the Commission.

ARTICLE V

A. Meetings

- 1. Annual Meeting

The annual meeting of the Commission shall be held in January of each year. The business of the meeting shall include election of officers and scheduling of regular meeting dates for the year. There shall be at least one regular meeting date each month. The annual meeting may be held on, but is not required to be held on, a regular meeting date.

- 2. Regular Meetings

On regular meeting dates, the Commission shall hold public hearings (as applicable) to consider subdivision, schematic, site plan and development standard waiver requests, amendments to the comprehensive plan, substantial accord requests, zoning, conditional use, ordinance amendments and historic designation requests. In addition, the Commission may have a work session to discuss the business of the Commission and other matters, which may come before it. Cases will not be called after 10:00 p.m. without a unanimous vote of the Commission members present.

In the event more than one regular meeting date is scheduled in any month, the required public notice shall establish the later date as a date to consider any items that cannot be disposed of on the first meeting date of the month. The meeting will be held in the General District Court room at the County Courthouse Building or at a place and time designated by the Commission.

When a matter is set for a public hearing pursuant to required advertisement, the matter shall be heard even though no one in favor of or in opposition to the application appears at the hearing unless the matter is deferred or withdrawn. In the absence of a personal appearance by the applicant or agent, the Commission may either proceed to dispose of the application or defer it to another meeting in accordance with applicable law.

All motions to defer an item shall be to a date certain.

The applicant may withdraw an application at any time prior to the Commission acting on the application. The Commission shall acknowledge the withdrawal.

All persons who speak at the hearing shall furnish their names to the Commission and become parties of record. A speaker shall only speak once on any item unless the Commission asks the speaker to address questions.

No speaker may address the Commission unless recognized by the Chair. Each person who desires to speak shall be given time to present oral or written comments. Comments shall be directed to the Commission, not to the audience.

A deputy sheriff or Virginia law enforcement officer may serve as Sergeant at Arms.

3. Special Meetings

Special meetings may be called by: i) the Chair; (ii) two (2) members upon written request to the Secretary; or (iii) by a majority vote of the Commission. At least five (5) days in advance of a special meeting, the Secretary shall mail or email to all members a written notice specifying the time, date, place, and purpose of the meeting.

Written notice to individual Commissioners of a special meeting is not required if the time of the special meeting has been fixed at an annual, special or regular meeting of the Commission, or if all members file a written waiver of notice, or if all members are present at the special meeting.

B. *Rescheduling Meetings*

1. The Chair may cancel any meeting because of inclement weather and reschedule any such canceled meeting upon proper advertisement and notification.
2. The Commission may adjourn any meeting to any date and time that the Commission may set if required advertising and notification provisions are met. Provided, however, that a meeting that continues after midnight may be adjourned to a time on that same day without re-advertisement and notification. The motion of adjournment shall state the hour at which the adjourned meeting is to be reconvened.

C. *Minutes of Meetings*

1. The Commission may correct approved minutes only upon a clear showing that a clerical or administrative mistake was made.
2. Copies of draft, unapproved minutes shall be sent to Commissioners for approval. Draft minutes shall be clearly marked as such.

D. *Quorum*

A quorum of the Commission shall consist of four (4) of the six (6) members of the Commission. A quorum must be present at all meetings to transact any official business and, unless otherwise required by law or these Bylaws, no action of the Commission is valid unless authorized by a majority vote of those present and voting. An abstention, although not a vote in favor or against the motion, shall be counted as a vote for the purpose of determining a quorum. Provided, however, if a Commissioner is disqualified in accordance with the State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100 et seq., and this results in less than the number required by law to act, the remaining member or members shall

have authority to act for the Commission by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of the remaining members.

If a quorum is not present at any meeting, items on the agenda requiring action shall be moved to the agenda of the next regular meeting of the Commission or to the agenda of a special meeting of the Commission, if one is called for that purpose.

E. Tie Vote

A tie vote on any motion means the defeat of the motion for lack of a majority vote, and if the item requires Board action, the item will be forwarded to the Board with a report of the tie vote.

F. Order of Agenda for a Regular Meeting

To the extent necessary to consider items requiring Commission action, the order of the agenda for a regular Commission meeting shall be as follows, unless amended by majority vote and the Commission shall confine discussions to the matters contained on the agenda:

1. Call to Order and determination of quorum
2. Approval of minutes, if applicable
3. Requests to postpone action, additions or changes in the order of presentation
4. Review of meeting procedures
5. Public hearing items
6. Non-public hearing items
7. Other business – committee reports, unfinished business, new business
8. Report from Board member
9. Adjournment to a designated place and time

G. Order of Individual Items

The procedure for consideration of an individual item at any meeting shall be as follows, unless amended by majority vote:

1. The Chair or the Secretary shall call and describe the item.
2. Comments and recommendations of the Planning staff (if necessary)
3. Applicant's presentation (if necessary)
4. Public hearing for interested citizens' presentation in opposition/support (if necessary)
5. Applicant's rebuttal (if necessary)
6. Staff response (if necessary)
7. Commission close of public hearing, discussion, questions, and action

H. *Virginia Freedom of Information Act*

The Commission is a "public body" under the Virginia Freedom of Information Act (FOIA). It is the responsibility of the Chair, with the assistance of the Secretary to ensure compliance with all facets of this law.

I. *State and Local Governments Conflict of Interest Act*

Members of the Commission are required to file the annual Financial Disclosure Statement.

J. *Rules of Order*

Unless covered herein or established by Commission procedure or practice, parliamentary procedure in Commission meetings shall be the most recent edition of *Robert's Rules of Order*. Any questions involving interpretation or application of Robert's Rule shall be addressed to the County Attorney who shall be the designated Parliamentarian representing the Commission.

K. *Work Program*

Annually, the Commission may recommend to the Board a work program of major projects (i.e., plan amendments and major ordinance amendments) having priorities for the ensuing year.

ARTICLE VI

Amendment and Suspension of Bylaws

With the exception of statutory requirements, the Commission may suspend the application of any of its Bylaws by a unanimous vote of all the members present at the time.

These Bylaws may be amended by a majority vote at any meeting of the Commission after not less than seven (7) days notice has been given to all members of the Commission and a copy of the proposed amendment sent with the notice.