

BYLAWS

BEDFORD COUNTY PLANNING COMMISSION

ARTICLE 1 CREATION

- 1-1. This Commission, established in conformance with the resolution adopted by the Board of Supervisors of Bedford County on January 23, 1961, and as amended January 8, 1968 and August 12, 1980, has adopted the following Bylaws in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Chapter 22, Article 2, (§15.2-2210 et seq.) of the Code of Virginia, (1950), as amended. This statute provided for the creation of local planning commissions in Virginia.
- 1-2. The official title of this Commission shall be the "Bedford County Planning Commission," hereafter referred to as the "Commission".

ARTICLE 2-DUTIES OF COMMISSION

- 2-1. Exercise general supervision of, and make regulations for, the administration of its affairs.
- 2-2. Prescribe rules pertaining to its investigations and hearings.
- 2-3. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board of Supervisors.
- 2-4. Keep a complete record of its proceedings and be responsible for the custody and preservation of its papers and documents.
- 2-5. Make recommendations and annual reports to the Board of Supervisors concerning the operation of the Commission and the status of planning. The reports shall be given to the Board of Supervisors at its 1st meeting in both

January and July. The reports for each period shall identify the number of zoning permits, Special Use Permits, Rezoning, and a summation of major projects underway within the County. The reports shall identify any changes in state or local laws affecting local planning. The reports shall include a summary of actions of the Planning Commission and Board of Supervisors on Special Use Permits and Rezoning Permits for the report period.

- 2-6. Prepare, publish and distribute reports, ordinances and other material relating to its activities.
- 2-7. Prepare and submit an annual budget in the manner prescribed by the Board of Supervisors.
- 2-8. Establish an advisory committee or committees.

(State law reference: Section 15.2-2221)

ARTICLE 3 MEETINGS

- 3-1. All regular meetings of the Commission shall be open to the public, except certain specific exempt topics identified in Section 2.2-3711 of the Virginia Code.
- 3-2. The Commission shall hold regular meetings on such days as may be prescribed by resolution at the annual organizational meeting in February of each year, but which shall not be less frequent than once a month. The Commission, by resolution adopted at its organizational meeting, may also fix the day or days to which any meeting shall be continued if the Chairman, or Vice Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings

and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. The commission shall cause a copy of such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.

The Commission shall give notice of the date, time, and location of its meetings by placing a notice in a public location at which notices are regularly posted. The notice shall be posted at least three working days prior to the meeting. Special meetings may be called by the Chairman or by two members upon written request to the Secretary. The Secretary shall immediately communicate such notice to all members and liaisons. A notice fixing the time and place of the meeting and the purpose thereof shall be posted and/or advertised as required by state law. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting or if all members and liaisons are present at a special meeting or file a written waiver of notice. Efforts shall be made to coordinate meeting dates with the Board of Supervisors and other public bodies for the purpose of conducting joint public hearings.

- 3-3. A majority of the membership of the Commission shall constitute a quorum. A quorum is necessary to conduct business and a majority of the quorum is necessary to take action.
- 3-4. Voting shall be by roll call vote. A record shall be kept as a part of the minutes indicating the votes of the Commission members. Liaisons to the Commission

shall not initiate or second any motion nor shall they vote on any matter before the Commission.

(State Law Reference: Section 15.2-2214)

- 3-6 Minutes shall be taken which shall include, but are not limited to, (i) the date, time, and location of the meeting; (ii) the members of the public body recorded as present and absent; and (iii) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken.

(State Law Reference: Section 2.2-3707)

ARTICLE 4-MEMBERS

- 4-1. The Commission shall consist of one member appointed from each county election district by the Board of Supervisors.
- 4-2. The terms of the members shall be concurrent with those of the Board of Supervisors from the respective election district. As terms of the Commission Members are not currently concurrent with the Board of Supervisors, noted below are the terms that shall be followed by the Board of Supervisors in making appointments of members to the Planning Commission until all terms are concurrent with the Board of Supervisors.

<u>District</u>	<u>Term Expires</u>	<u>New Term</u>	<u>New Term Expires</u>
1	01/31/11	1 year	01/31/12
2	01/31/10	4 years	01/31/14
3	01/31/11	3 years	01/31/14
4	01/31/08	2 years	01/31/10
5	01/31/08	4 years	01/31/12

6	01/31/10	2 years	01/31/12
7	01/31/10	2 years	01/31/12

Once all the terms are concurrent, members and their successors shall be appointed for terms of four (4) years. Members shall continue to serve until his/her successor has been appointed and has assumed the position as Commission Member.

- 4-3. Any vacancy in membership shall be filled by appointment by the Board of Supervisors for an unexpired term only. Any appointed member may be removed by the Board of Supervisors for malfeasance in office. Notwithstanding the foregoing provision, a member of a local planning commission may be removed from office by the local governing body without limitation in the event that the commission member is absent from any three consecutive meetings of the commission, or is absent from any four meetings of the Commission within any 12-month period. In either such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.
- 4-4. The Board may provide for the payment of expenses incurred by Commission members and liaisons in the performance of their official duties.
- 4-5. Commission members shall complete the Virginia Certified Planning Commissioners' Program within one year of being appointed to the Commission. Liaisons should complete the Virginia Certified Planning Commissioners' Program within one year of being appointed to the Commission.

4-6. A member of the Board of Supervisors and an administrative official of the County Government may be appointed as liaisons to the Commission. These persons shall not be members of the Commission but shall serve in an advisory capacity to the Commission in any and all matters. The term of each liaison from the Board of Supervisors and the county government shall be coextensive with the term of office to which he/she has been elected or appointed, unless the Board of Supervisors, at the first regular meeting each year, appoints others to serve as these liaisons.

(State law reference: Section 15.2-2212)

ARTICLE 5-OFFICERS AND THEIR SELECTION

5-1. Officers of the Commission shall consist of a Chair, Vice-Chair and Secretary. The Chair and Vice-Chair shall be elected by the membership. The Secretary shall serve at the request of the Commission and may be a member of the Commission or an employee of the county government. The County Attorney shall act as parliamentarian. In the County Attorney's absence, the Chair shall serve as parliamentarian with the assistance of the Secretary of the Commission.

5-2. At the annual organization meeting of the Planning Commission, held in February, the Planning Commission shall elect from its membership a Chair and Vice-Chair, each of whom shall serve a term of one year, expiring immediately prior to the opening of the annual organizational meeting, or until their respective successors shall be elected. The position of Chair and Vice-Chair shall be rotated annually among Planning Commission members. In keeping with this policy, the elected Vice-Chair shall be elevated the next year to serve as Chair; the guiding

principle is that the most senior member of the Planning Commission who has not served as Chair during the rotation would become Vice-Chair and then Chair the subsequent year. Should members of the Planning Commission declare at the organizational meeting, with unanimous vote, that due to ongoing business that would be adversely disrupted by a change in officers, or similar unusual and rare circumstances, the Commission may, retain its current officers for a second term.

- 5-3. Should a member of the Planning Commission decline to seek the nomination as Chairman or Vice-Chairman, the rotation would proceed to the next most senior member.
- 5-4. Vacancies in office shall be filled immediately by regular election procedures.
- 5-5. In the absence of the Chair, the Vice-Chair shall preside at meetings of the Planning Commission. In the absence of both the Chair and the Vice-Chair, the Commissioner present with the longest tenure shall preside and shall have the power to function in the same capacity as the Chairman, pro tem.

(State Law Reference: Section 15.2-2217)

ARTICLE 6-DUTIES OF OFFICERS

- 6.1 The Chair shall:
 - 6-1-1. Preside at all meetings.
 - 6-1-2. Appoint committees, special and/or standing.
 - 6-1-3. Prepare and present the annual reports in conjunction with the Secretary as required by Section 2-5.
 - 6-1-4. Carry out other duties as assigned by the Commission.
- 6-2. The Vice-Chair shall:

- 6-2-1. Act in the absence or inability of the Chair to act.
- 6-2-2. Have the power to function in the same capacity as the Chair in cases of the Chair's inability to act.
- 6-3. The Secretary shall:
 - 6-3-1. Keep a written record of all business transacted by the Commission.
 - 6-3-2. Notify all members and liaisons of all meetings.
 - 6-3-3. Keep a file of all official records and reports of the Commission.
 - 6-3-4. Certify all maps, records, and reports of the Commission.
 - 6-3-5. Give notice of all hearings and public meetings.
 - 6-3-6. Attend to the correspondence of the Commission.
 - 6-3-7. Keep a set of minutes.
 - 6-3-8. Prepare and be responsible for the publishing of advertisements relating to public hearings.
- 6-4. The parliamentarian shall be the County Attorney. The parliamentarian shall advise on all questions relating to rules and parliamentary procedure. In the absence of such a representative, the chair shall rule on all procedural questions, subject to a reversal by a two-thirds vote of the members present.

ARTICLE 7-STANDING AND SPECIAL COMMITTEES

- 7-1. The Chair shall appoint committees as he/she deems necessary.

ARTICLE 8-ORDER OF BUSINESS

- 8-1 The order of business for a regular meeting shall be:
 - 8-1-1. Call to order by Chair
 - 8-1-2. Determination of a quorum

8-1-3. Approval of the Agenda

8-1-4. Approval of minutes

8-1-5. Citizen's Comment Period

8-1-6. Public Hearing(s)

8-1-7. Unfinished business

8-1-8. New business

8-1-9. Adjournment

8-2. Motions shall be restated by the Chair before a vote is taken. The names of persons making and seconding motions shall be recorded.

8-3. Parliamentary procedure in Commission meetings shall be governed by Roberts Rules of Order, more specifically, the provisions which pertain to conducting informal meetings for small boards, unless they are inconsistent with the bylaws or special rules of order of the Commission.

8-4. The Planning Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.

8-4-1. The Secretary and Chair shall sign all minutes, and at the end of the year shall certify that the minutes of the preceding year are a true and correct copy.

8-5. Citizen Comment Period

During the citizens' comment period, speakers wishing to address the Commission shall clearly state their name and address and shall be subject to such time limitations as the Chair in his/her discretion may impose. Speakers who wish to address matters, which have previously been addressed at a public hearing, shall not be allowed to readdress the Board during the citizens comment period.

Questions shall be directed to the Chair, who will, at his/her discretion, solicit the response from the appropriate person. Speakers shall maintain decorum when addressing the public and Commissioners.

8-6. Public Hearing(s)

It is the purpose and objective of the Planning Commission to give each citizen an opportunity to express his/hers views during public hearings and to give all speakers equal treatment and courtesy. In order to accomplish this objective, it is necessary that certain rules of order prevail at all hearings of the Commission.

The order of business for consideration of a matter on the Commission's public hearing agenda shall be as follows:

- a. Staff presentation;
- b. Applicant's presentation;
- c. Questions from Planning Commissioners;
- d. Comments, statements or presentations from members of the public;
- e. Applicants rebuttal; and
- f. Commission discussion, at which time the Chair may entertain a motion to bring the matter to a vote or to place the matter on future agenda for action.

A reasonable and sufficient time will be afforded the applicant to properly and fairly present the subject matter. Ten minutes shall be allocated to the applicant's presentation. The applicant may allocate the time between presentation and rebuttal. If additional time is believed to be necessary, the applicant should contact the Director of Community Development prior to the Public Hearing. Any Member of the Commission may ask the applicant to respond to specific questions.

During the public hearing, each speaker will have up to five minutes available whether speaking as an individual or a representative of any group or organization. However, should the number of speakers registered to speak on any item exceed ten, the time will be adjusted to three minutes for each speaker. Unless instructed by a majority of the Commission present and voting to do otherwise, the Chair shall enforce the time limits, as appropriate.

Order of speakers will be determined on first to register, first to speak basis.

Registration will be taken by County staff and will be submitted on the registration form provided, which will include the name, address and election district of the speaker.

Speakers will be limited to a presentation of their points of view except that the Chair may entertain questions of clarification.

Debate is prohibited.

All comments will be directed to the Planning Commission as a body.

Decorum will be maintained. This includes a common courtesy from the audience, the staff and Commission to the speaker and from the speaker to the audience, the Commission and the staff. Statements, which are demeaning or inappropriate, shall be ruled out of order.

A timer-controlled lighting system may be implemented in full view of the speaker. When four minutes are up, an amber light will come on which will indicate that the speaker has one minute to conclude his/her comments. At the end of that one minute period (completion of the five minute period), a blinking red light will come on that will indicate that the speaker must relinquish the podium to the next speaker. Staff will notify the Chair that the speaker's time has expired. Speakers continuing after the time allotted shall be ruled out of order by the Chair.

ARTICLE 9-CORRESPONDENCE

- 9-1. It shall be the duty of the Secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the Planning Commission.
- 9-2. It shall be the duty of the Secretary to communicate by telephone or any other appropriate measures when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.
- 9-3. All official papers and plans involving the authority of the Commission shall bear the signature of the Chair or Vice-Chair together with the certification signed by the Secretary and Chair.

ARTICLE 10-CONFLICT OF INTEREST

- 10-1. The Commission shall comply with the state and local government Conflict of Interest Act.

(Section 2.2-3100, et seq. of the Code of Virginia, of 1950 as amended.)

ARTICLE 11-AMENDMENTS

- 11-1. These bylaws may be changed by a recorded super majority vote of five (5) members of the Commission.

Adopted December 5, 1989
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