

April 2019

**Planning Commission
of the
County of Goochland, Virginia**

Bylaws & Rules of Procedure

The following Bylaws and Rules of Procedure (“Bylaws”) are adopted by the Goochland County Planning Commission to enable it to discharge effectively its duties and responsibilities and to facilitate the exercise of its authority and powers as outlined in A Resolution to Create a Planning Commission for Goochland County, dated April 7, 1970, and *Virginia Code* §§ 15.2-2200 *et seq.* (1950, as amended).

Section 1. Powers and Duties.

1.1 The powers and duties of the Planning Commission are outlined in *Virginia Code* §§ 15.2-2200 *et seq.*

Section 2. Public Meetings.

2.1 Regular meetings. All regular meetings are open to the public and typically held on the first Thursday of every month, beginning at 7:00 p.m. in the Board Meeting Room in the Goochland County Administration Building unless otherwise noted on the Commission’s adopted annual calendar or properly advertised. The Commission may schedule other dates and times for regular meetings as necessary.

All meetings are open to the public and all business shall be conducted public in accordance with the Virginia Freedom of Information Act, except certain specific exempt topics identified in *Virginia Code* § 2.2-3711, which may be discussed in closed meeting.

At such meetings the Commission shall consider all matters properly brought before the Commission without the necessity of prior notice thereof given to any members.

Public Hearing items will not be called after 11:00 p.m. without a majority vote of the Commission members present to proceed.

Workshop. The Commission usually convenes a workshop session immediately prior to each regular meeting to receive updates and information on items and cases not on the evening’s regular meeting agenda. The workshop is informational only and no action is taken by the Commission during these meetings, which are open to the public and advertised in conjunction with each regular meeting.

2.2 Annual Meeting. The annual meeting of the Commission will typically be the first regular meeting in the month of April of each year. Such meeting shall be devoted to establishing the Commission's meeting calendar for the year, the election of officers for the ensuing year, and such other business as scheduled by the Commission. Public hearings may be held at the Commission's Annual meeting. A nominating committee may be established by the Commission in the month of January of each year to identify candidates for each office and recommend such to the Commission at its Annual Meeting.

2.3 Special meeting. Special meetings of the Commission may be called by the Chairman. In addition, any two members of the Commission may request a special meeting in writing. Written notice thereof shall be mailed to all the members not less than five days in advance of a special meeting, except that members may waive the right to five days' notice in a writing filed with the Secretary of the Commission.

At times, there may be more than two Commission members who wish to attend a community meeting for a proposed or pending land use application. When that occurs, a special meeting shall be deemed to have been called by the Chairman. At those special meetings, the Commission will not consider any motion, vote, or take any other official action, however it shall comply with Virginia Freedom of Information Act requirements, including the maintenance of minutes.

2.4 Recessed meeting. Any regular or special meeting may be adjourned to a definite date by a majority vote of a quorum of members. Recessed meetings may be held at any time by the Commission.

2.5 Quorum. At any meeting of the Commission, a quorum shall consist of three members of the Commission. No action shall be taken in the absence of a quorum, except to recess the meeting to a subsequent date. If disqualifications of Commission members should occur as a result of the provisions of the State and Local Government Conflict of Interests Act, the remaining 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 remaining members. (*Virginia Code* § 2.2-3112(C))

2.6 Motions and Voting.

All motions shall require a second in order to be considered by the Commission. When a motion is under discussion, no additional motions may be made except a motion to withdraw, defer, substitute, or amend. Such motions shall take precedence in the listed order. Only one substitute motion may be made for any principal motion.

At all meetings of the Commission, each member shall be entitled to cast one vote. Voting shall be by voice, or when necessary by a show hands, and need not be recorded as a roll

call vote unless requested by a member of the Commission or required by state law. Commission members shall comply with the Virginia State and Local Government Conflict of Interests Act.

The affirmative vote of the majority of members (unanimous vote of quorum) shall be necessary for the adoption of any resolution or other voting matter.

A tie vote on any motion means the defeat of the motion for lack of a majority vote. When a tie vote occurs and no other motion is passed on an item, the item shall (i) be carried over to the next regularly scheduled meeting or (ii) to a time, date, and place specified by a majority vote of the Commission. If the item cannot be carried over due to a statutory time limit, and the item requires Board of Supervisors action, the item will be forwarded to the Board with a report of the tie vote.

2.7 Deferrals; withdrawals.

An application may be withdrawn by the applicant at any time prior to the Commission acting on the application. However, if the application had been scheduled for a meeting, then the Commission shall acknowledge the withdrawal of an application at that meeting.

The Commission may defer an item on its own motion or at the request of the applicant or staff. All motions to defer an item shall be to a date certain. The Commission may defer the action on an item after holding a public hearing or they may defer both the public hearing and the action. If the public hearing is deferred, the Commission shall properly advertise the new time and date of public hearing. Deferrals initiated by the Commission or granted at staff's request will not incur any fee.

Time limits. The Commission must make a recommendation to the Board of Supervisors regarding applications to rezone property and to amend the zoning ordinance within 70 days from the first meeting an item could have been heard by the Commission. Failure to make a recommendation to Board within that time results in the application being deemed approved. (*Zoning Ordinance* Art. 28 § 1.3) A withdrawal or deferral initiated by the applicant shall toll the 70-day time limit.

2.8 Order of Agenda for a Regular Meeting (with workshop).

2.8.1 *Order of business.* At any regular meeting of the Commission, the following shall be the regular order of business:

WORKSHOP: Pre-Meeting Staff Review (optional) – To be held immediately prior to the Commission meeting to review upcoming cases, to be briefed on Board of Supervisors meeting actions by staff, or to discuss special topics
Call to order by Chairman

Roll Call/Determination of a quorum
Pledge of Allegiance
Invocation
Minutes of preceding meeting
Citizen Comment period
Requests to Defer, Additions, Deletions, or Changes to the Order of Public Hearings
Scheduled Matters (if any)
Public Hearings (if any)
Unfinished Business (if any)
New Business (if any)
Reports (if any)
Other Business (if any)
Adjournment

2.8.2 *Formal action.* Each formal action of the Commission required by law, ordinance, resolution, rule, or regulation may be embodied in a formal resolution duly entered in full upon the Minute Book after an affirmative vote as provided in Section 2.7. Motions may be restated by the Chairman before a vote is taken. The names of persons making and seconding motions shall be recorded.

2.8.3 *Public records.* All official records of the Commission, as defined by the Virginia Freedom of Information Act, shall be open to inspection and copying under the terms of the Act.

2.9 Cancellations; inclement weather. A meeting may be cancelled or rescheduled by the Commission at a prior meeting. If there are no matters anticipated for consideration by the Commission at any upcoming regular meeting, County staff shall notify Commission members and the public that such meeting will be cancelled.

In accordance with *Virginia Code* § 15.2-2214, if the Chairman of the Commission, or the Vice-Chairman (if the Chairman is unable to act), finds and declares that weather or other conditions are such that it is hazardous for Commission members to attend a regular meeting of the Commission, then such regular meeting shall be held on the following second or third Thursday (as applicable). Such finding shall be communicated to the Commission members, the public, and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Section 3. Proffer Submissions.

- 3.1 Proffer submission deadline. In the event that additions or modifications to previously-submitted proffered conditions are desired by the applicant or owner of the property which is the subject of a rezoning request, a signed revised proffer statement shall be submitted by the close of business the Tuesday prior to the public hearing. Amended proffers shall be accompanied by a “blackline” version of the proffers illustrating the amendment or modification by underlining new language and striking through deleted language. Deferral is appropriate to resolve late submittals and other inadequacies under this policy.
- 3.2 Waiver of deadline. If applicant submits proffers after the Tuesday before the public hearing, the Commission shall retain the right to waive this deadline upon a majority vote of the members of the Commission present at a meeting.
- 3.3 Substantial changes. The Commission may determine, in its sole discretion, that the additions or modifications to the proffered conditions are substantial in nature, even if submitted prior to the deadline above, and may defer the hearing and action on the rezoning request to allow staff time to evaluate the changes to the proffered conditions. Deferrals initiated by the Commission or granted at staff’s request will not incur any fee.

Section 4. Addressing the Commission; public comments.

- 4.1 Generally. All persons who speak before the Commission during the citizen comment period or a public hearing shall do so from the lectern and furnish their names and addresses to the Commission. A speaker shall only speak once on any item unless the Commission asks the speaker to answer questions.

No person may address the Commission unless they have first been recognized by the Chairman. 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.

- 4.2 Citizen comment period. The citizen comment period provides a public forum for the Commission to hear from citizens about matters pertinent to the activities, issues, or policies of the Commission. The citizen comment period is limited to matters that are not scheduled for public hearing on that meeting’s agenda.
- 4.3 Public hearings. When a matter is set for public hearing pursuant to required advertisement, the matter shall be heard even if no proponents or opponents to the application appear 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 proceed to consider the application or defer it to another meeting.

4.3.1 *Time Limits.* Generally, a citizen may speak one time for three minutes at any public hearing. If a citizen wishes to speak as a representative of a group, then he or she may extend his or her time for remarks up to 10 minutes by having up to four other citizens come to the podium, identify himself/herself and cede two minutes of speaking time to the group representative.

The Chairman may vary time limits in his discretion.

4.3.2 *Repetition.* Successive speakers who either support an item or who oppose an item are encouraged to address different issues and not be repetitive.

4.3.3 *Written Statements.* The Commission appreciates citizen attendance and participation in its meetings. Citizens who are unable to attend a public hearing may submit written statements for consideration by the Commission by providing sufficient copies to the Clerk before or during the public hearing or by submitting statements electronically either via email or through the County's website. A citizen not attending a meeting should not expect that another person will be permitted to read his or her statement to the Commission during the public hearing, though the Chair may, in his discretion, choose to allow it.

4.3.4 *Order of hearing.* When conducting public hearings, the order outlined below shall be observed; however, the Chair may alter the procedure and time limits as needed to ensure that public hearings are conducted in an orderly, fair, and expeditious manner:

Brief description of case or matter by the Chairman or his designee

Planning staff presentation

Presentation by applicant (if necessary – limited to 10 minutes – applicant may reserve some of the time as a rebuttal that would occur after public hearing comments)

Public hearing (speakers limited to 3 minutes each) – speakers will not be grouped into categories to express support or opposition

Applicant's rebuttal (if necessary – limited to 3 minutes)

Staff response (if necessary)

Chairman or his designee summarizes case or matter before the Commission

Commission discussion and vote

4.3.5 *Public Interest.* In addition to those required by law, the Commission may hold public hearings on matters when it decides that such hearings will be in the public interest. Notice requirements set forth in *Virginia Code* § 15.2-2204 shall be observed when discretionary public hearings are held by the Commission.

Section 5. Officers; membership.

5.1 Officers. The officers of the Commission shall consist of a Chairman and a Vice Chairman, elected by the Commission at the annual meeting for a term of one year. A candidate receiving a majority vote of the membership of the Commission shall be declared elected and shall serve for one year or until his/her successor shall take office. The Director of Community Development or designee shall be the Secretary of the Commission.

5.2 Duties of Officers. The duties and powers of the officers of the Commission shall be as follows:

5.2.1 *Chairman.*

To preside at all meetings of the Commission

To call special meetings of the Commission in accordance with these Bylaws

To sign all official documents involving the authority of the Commission

To decide all points of order or procedure

To appoint the membership of each committee and to designate the Chairman of each such committee

To see that all actions of the Commission are properly taken

5.2.2 *Vice Chairman.*

During the absence, disability, vacancy, or disqualification of the Chairman, the Vice Chairman shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman.

The Vice Chairman will be responsible for keeping time during meetings, ensuring an efficient and productive outcome.

5.2.3 *Secretary.*

To keep the minutes of all meetings of the Commission in an appropriate Minute Book

To give or serve all notices required by law or by these Bylaws

To prepare, with the Chairman, the agenda for all meetings of the Commission

To be custodian of Commission records

To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence

To handle funds allocated to the Commission in accordance with its directives, the law, and County regulations

To examine all applications, maps and plats to ensure the conformity of each with applicable requirements of County Ordinances

To sign all official documents involving the authority of the Commission

5.3 New commission members. The Commission Chairman and County staff may hold a new member orientation, as needed, to introduce new Commission members to these Bylaws and relevant materials including, but not limited to, the Comprehensive Plan and the zoning and subdivision ordinances. Copies of these materials will be distributed to each new member. The Certified Planning Commissioner Program is recommended for new members.

5.4 Vacancies. Should any vacancy occur on the Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Board of Supervisors by the Secretary. Should any vacancy occur among the officers of the Commission, the Commission may hold an election to fill the unexpired term of office.

Section 6. Committees; subcommittees.

6.1 Committees and subcommittees shall be established by majority vote of the Commission as deemed necessary.

6.2 Each committee shall consist of no fewer than two people, and no fewer than one member of the Commission. If more than two Planning Commissioners are members of any committee or subcommittee, then its meetings shall comply with the Virginia Freedom of Information Act requirements.

6.3 The members of committees and subcommittees shall be appointed by the Chairman of the Commission, subject to review by the Commission. Members shall serve for the duration of the committee's assignment or mission for which it was created. Any vacancy on a committee or subcommittee shall be filled by the Chairman, subject to review by the Commission.

Section 7. Bylaws and Rules of Procedure; amendments, suspension, and compliance.

7.1 Amendments. These Bylaws may be amended at any meeting of the Commission provided that notice of said proposed amendment is given to each member in writing at least five days prior to said meeting.

7.2 Suspension of rules. These Bylaws may be suspended, in whole or in part, only upon a majority vote of the members of the Commission present at a meeting.

7.3 Procedural issues. Only Commissioners shall have standing to raise noncompliance with these Bylaws, and then only at the time of the violation. Failure to comply with these Bylaws shall not invalidate any action taken by the Commission. Procedural issues not covered herein may be guided, first, by the Commission's historical practice, then by the determination of the parliamentarian, generally based on the latest edition of Robert's Rules of Order. The failure, however, of the Commission to comply with Robert's Rules of Order shall not invalidate any action taken by the Commission.

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