

## **RULES OF PROCEDURE GLOUCESTER COUNTY PLANNING COMMISSION**

This Commission, established in conformance with the resolution adopted by the Gloucester County Board of Supervisors on July 1, 1956, has adopted the following Rules of Procedure in order to facilitate its power and duties in accordance with the Code of Virginia, as amended.

### **ARTICLE 1 – Meetings**

#### **Section 1-1. Regular Meetings**

Regular meetings of the Commission shall be held on the first Thursday of each month at 7:00 P.M. in the Old Courthouse, Gloucester, Virginia, or as otherwise specified and approved by the Planning Commission. When a meeting falls on a legal holiday the meeting shall be held on the day following unless otherwise designated by the Commission. If the Chairperson declares that weather or other conditions make it hazardous for members to attend, all hearings and other matters previously advertised shall be conducted at the next regular meeting.

Regular Meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting until the business of the Commission is concluded. Regular meetings may be cancelled by the chairperson upon notice to all members and to the public at least two weeks in advance of the regular scheduled meeting. The meeting may be cancelled for reasons other than weather or other hazardous conditions provided there are no applications, public hearings or other business pending or advertised for that meeting date and provided that the Commission meets at least every two months.

#### **Section 1-2. Special Meetings**

Special meetings of the Commission may be called by the chairperson or by two members upon written request to the secretary. The secretary shall mail to all members, 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. 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 are present at the special meeting or file a written waiver of notice.

The Planning Commission may hold such special meetings as it deems necessary and at such times and places as it may find convenient. In addition, the Commission may adjourn its special meetings from time to time as it may find convenient or necessary.

#### **Section 1-3. Open to the public**

All regular meetings, special meetings, hearings, records and accounts shall be open to the public. However, the Commission may hold closed meetings as permitted by law. Closed meetings may be placed on the agenda, or may be requested by any member of the Commission. However, no closed meeting shall be convened unless and until the

Commission has favorably acted on a motion to so convene, and, then, only if such motion accurately states a lawful reason for such closed meeting as permitted by the Code of Virginia.

#### **Section 1-4. Quorum and Method of Voting**

A majority of the membership of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a majority of the members present after a quorum has been established. Any member of the Commission may request a roll call vote; otherwise voting may be by roll call or voice vote at the Chairperson's discretion. A record of the vote shall be kept as a part on the minutes. Roll call votes will be taken alphabetically, for all Commissioners. For each subsequent vote, the voting order will rotate in a consistent manner, with the name previously called first rotated to the last position until each member has been called to cast the initial vote, except that, the Chair shall always cast the last vote.

In the event there is a tie vote on any recommendation by the Commission to the Board of Supervisors, a tie vote shall require that the matter be sent on to the Board, noting that the vote was tied on the matter. In the event there is a tie vote on any other matter before the Commission, such a tie vote shall result in a denial or rejection of the matter at hand.

### **ARTICLE 2 – Membership**

The membership and term of office of the Commission is determined by appointment from the Gloucester Board of Supervisors in compliance with the Code of Virginia.

### **ARTICLE 3 – Officers and Their Selection**

#### **Section 3-1. Officers**

The officers of the Planning Commission shall consist of a Chair and a Vice-chair.

#### **Section 3-2. Term of Office**

An officer shall serve for one (1) term of one (1) year, or until his (her) successor shall take office. An officer may succeed himself (herself) in any office for one (1) additional term. Any officer may succeed another officer.

#### **Section 3-3. Elections**

The Chair will open the floor for nominations as the last item of business at the regular November meeting each year. The floor will again be opened for nominations as the first item of old business at the regular December meeting. Elections will immediately follow. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. He (she) shall take office at the beginning of the January meeting.

Vacancies in office shall be filled immediately by regular election procedures. The term of office will be until the next regularly scheduled election of officers. An officer filling a vacancy may be a candidate to succeed himself(herself) in the next election if he(she) has served a term of less than one (1) year in his(her) office.

### **Section 3-4. Duties of Officers**

The Chair shall be an appointed voting member of the Commission

- Preside at all meetings.
- Appoint committees, special and/or standing.
- Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote of the members present).
- Be informed immediately of any official communication and report same at the next regular meeting.
- Certify all maps, records and reports of the Commission.
- Carry out other duties as assigned by the Commission.

The Vice-chair shall be an appointed member of the Commission and shall:

- Act in the absence or inability of the Chairperson to act.
- Have the power to function in the same capacity as the Chairperson in cases of the Chairperson's inability to act.

In the absence of both the Chairperson and Vice Chairperson, and provided that there is a quorum, the remaining members shall choose who shall preside at the meeting.

The Secretary shall be the Director of Planning & Zoning or his/her designee and shall be responsible for:

- Keeping a written record of all business transacted by the Commission.
- Notifying all members of all meetings.
- Giving notice of all hearings and public meetings.
- Attending to the correspondence of the Commission.
- The publication of advertisements relating to public hearings.
- Keeping a file of all official records and reports of the Commission.

The Chair and Secretary 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.

## **ARTICLE 4 - Standing and Special Committees**

Committees may be appointed by the Chair for purposes and terms approved by the Commission.

The Chair shall be an ex officio member of every committee.

The Director of Planning & Zoning or his/her designee shall serve as an ex officio member of every committee.

## **ARTICLE 5 - Order of Business**

The order of the business for a regular meeting shall be:

- Call to order by Chairperson.
- Roll call
- Determination of a quorum.
- Invocation
- Pledge of Allegiance
- Adoption of the Consent Agenda.
- Public comment.
- Public hearings, if any (when required 7:30 P.M.).
- Subdivision reviews, if any.
- Old business.
- New business.
- Applications before the Commission at the next regular meeting.
- Staff comments.
- Commissioners comments
- Adjournment.

Parliamentary procedure in the Commission meetings shall be governed by Robert's Rules of Order. The County Attorney shall serve as Parliamentarian.

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

## **ARTICLE 6 – Public Hearings**

### **Section 6-1. General Rules**

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.

Notice of a hearing shall be published in a newspaper having general circulation in the area once a week for two (2) successive weeks specifying the time and place of the hearing at which persons affected may appear and present their views, not less than five (5) days nor more than twenty-one (21) days after the final publication.

New proffers or substantial changes to a Proffer Statement for rezoning applications will not be accepted if not received in the Department of Planning & Zoning offices at least fourteen (14) days before the scheduled public hearing on the application, until after the public has spoken at the public hearing. This is to allow sufficient time for the staff to prepare their report and the Commission time to become familiar with the proffers, unless waived by a two-thirds vote of the members present and voting.

Once a public hearing for a change to the zoning map has been advertised, the Planning Commission will not consider a request by the applicant to delay, defer, or continue said hearing.

If required by the Chair, speakers shall register with the Planning Staff prior to the start of the hearing on forms provided for citizen participation, and the Chair shall verify that all such registration has been completed before beginning the hearing with the first step described below in Section 6-2.

### **Section 6-2. Format for Public Hearings**

The Chair will make a brief statement identifying the matter to be heard and verify with the Planning Staff that all legal advertisement requirements have been met.

The Staff will make a brief report and present their recommendations.

The applicant, if any, will give their presentation.

The Chair will open the floor to the public. Speakers wishing to address the Commission shall clearly state their name, magisterial district, and/or place of residence, if applicable, and they shall be allowed to speak for no more than the time limit set by the Chair. The Chair or a person designated by the Chair shall be responsible for enforcing said time limit.

After the last citizen has addressed the Commission the Chair will close the Public Hearing. Thereafter, no further public comments shall be received. The applicant, if any, will be allowed a brief rebuttal.

The Chair will open the floor for Planning Commission discussion. During the course of the discussion the Commission will decide whether to take a vote, postpone a decision until a later date, or take any other action that would be legal.

## **ARTICLE 7 – Subdivision Reviews**

The Commission shall review subdivision plans and plats so long as this task is delegated to them by the Board of Supervisors.

The Chair will make a brief statement identifying the subdivision to be reviewed. The Chair will make a statement explaining the Commission's responsibilities and limitations for the benefit of the public.

Staff will give a report and make recommendation.

The Chair will open the floor to the Planning Commission for questions and discussion.

A vote will be taken after a motion has been made.

If the vote of the Commission is to disapprove, the specific reasons for disapproval shall be provided and memorialized on the record, pursuant to § 15.2-2259 of the Code of Virginia, as amended.

### **ARTICLE 8 – Amendments/Suspension of Rules**

These Rules of Procedure, or any part thereof, may be suspended on presentation of a motion to that effect which is carried by a two-thirds (2/3) vote of the members present and voting.

These Rules of Procedure may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) days' prior notice.

These Rules of Procedure shall be included for discussion as the last item under New Business each January at the regular meeting.