

Fluvanna County Planning Commission
BYLAWS AND RULES OF PRACTICE AND PROCEDURES
Adopted: October 10, 2023

I. CREATION. The Fluvanna County Planning Commission, hereinafter called the “Commission”, is an appointed body provided by the Code of Virginia, Section 15.2-2210, or as amended. The Commission consists of five (5) members, one (1) appointed from each election district and one (1) representative of the Board of Supervisors. The Board of Supervisors representative does not vote by directive of the Board of Supervisors.

II. PRINCIPAL ADDRESS. 132 Main Street, Palmyra, Virginia 22963; Mailing Address: Post Office Box 540, Palmyra, Virginia 22963.

III. COMMISSION CHAIR. At the first meeting of the year, the Commission selects one of its members to serve as Chair. The Chair is a voting member and serves for one (1) year.

IV. COMMISSION VICE CHAIR. At the first meeting of the year, the Commission selects one of its members to serve as Vice Chair. The Vice Chair is a voting member and serves for one (1) year.

V. COMMUNITY DEVELOPMENT DIRECTOR. The Community Development Director shall be Clerk to the Commission and his or her general duty is set forth in the Code of Virginia, Section 15.2-2217. He or she shall maintain an office at the same address as the Commission.

VI. COUNTY ATTORNEY. The County Attorney assists the Commission in analyzing the facts; provides advice and action in legal matters and represents the Commission in civil actions.

VII. PARLIAMENTARY PROCEDURE. The County Attorney shall serve as the Parliamentarian for the purpose of interpreting these Bylaws and Rules of Procedure and Robert's Rules of Order as may be directed by the Chair, or as required as a result of a point of order raised by any one or more Commission members. If the County Attorney is unavailable, the Community Development Director shall serve as the Parliamentarian.

VIII. QUORUM FOR THE EXERCISE OF COMMISSION BUSINESS. A majority of the commission shall constitute a quorum in order to conduct Commission business. A vote of the majority of those present is necessary to take action on an issue.

IX. PUBLIC SESSIONS.

A. Except as otherwise directed the regular public meeting of the Commission shall be held on the 1st Tuesday after the 1st Wednesday of the month at 7:00 p.m. The meetings shall generally be held in the Carysbrook Performing Arts Center in Palmyra, VA.

B. A special meeting may be held at the call of the Chair or by the application of three members given to the Community Development Director. There shall be at least seventy-two (72) hours written notice for a special meeting.

X. MEETING AND ATTENDANCE.

A. All meetings and business shall be conducted in accordance with these Rules, Robert's Rules of Order Newly Revised, 12th Edition, and the law of Virginia. In the event of conflict, the law of Virginia shall govern.

B. Meetings will be held on the 1st Tuesday after the 1st Wednesday of the month. If the meeting date falls on a holiday, a new meeting date will be scheduled by the Chair. Meetings shall start at the appointed time, and if the Chair is not present, the Vice Chair shall preside. If neither the Chair nor the Vice Chair is present, the Community Development Director shall call the meeting to order and preside for the election of a Temporary Chair.

C. Any person making a written or electronic presentation or demonstrating a matter by way of a picture, slides or a similar document for inclusion in the record of the hearing shall provide the Community Development Director a copy of such item three (3) days prior to the meeting at which such person wishes to make a presentation.

D. The Community Development Director shall list all items requested on the agenda. If, in the opinion of the Community Development Director, an agenda item is not appropriate for consideration by the Commission, he shall inform the Chair, and if the Chair is in agreement, the Commission shall first discuss whether to entertain the agenda item.

E. The Community Development Director and Chair shall allocate time to items on the agenda, as is necessary, for appropriate consideration by the Commission.

F. The Commission shall consider all items docketed on the agenda before taking any other items unless an undocketed item is brought by consent of the Commission.

G. Time permitting, items not on the agenda shall be heard as the final items of the Commission's business. If time does not, in the opinion of the Chair, permit hearing items on the agenda, they shall be carried over to the next regular or special meeting.

H. The Chair's vote on all issues before the Commission shall be recorded as being given with the prevailing side, unless the Chair clearly votes otherwise.

I. Meetings shall be adjourned no later than 11:00 pm unless continued by unanimous vote of the Commission members.

XI. POLICY FOR REMOTE PARTICIPATION OF MEMBERS OF THE FLUVANNA COUNTY PLANNING COMMISSION AT MEETINGS OF THE COMMISSION

A. Authority and Scope

1. This policy shall govern participation by an individual member of the Planning Commission of Fluvanna County, Virginia, by electronic communication means in public meetings of the Planning Commission of Fluvanna County, Virginia, and any closed session of the Commission held in accordance with applicable law, from and after the date of adoption of this policy.
2. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code § 2.2-3700 et seq.
3. Any reference to a specific provision of federal, state, or local law referenced in this policy shall mean such provision of law, as amended from time to time, or as set forth in any successor provision dealing with substantially the same subject.

B. Definitions

1. “Member” means any member of the Planning Commission.
2. “Remote participation” means participation by an individual member of the Commission by electronic communication means in a public meeting where a quorum of the Commission is physically assembled, as defined by Va. Code § 2.2-3701.
3. “Meeting” means a meeting as defined by Va. Code § 2.2-3701.
4. “Notify” or “notifies,” for purposes of this policy, means verbal or written notice that is reasonable under the circumstances, with written notice, such as by email or letter, being the preferred means of notice. Notwithstanding the foregoing, notice does not include text messages or communications via social media.
5. “VFOIA” means the Virginia Freedom of Information Act, Va. Code § 2.2-3700, et seq.

C. Mandatory Requirements

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

1. A quorum of the Commission must be physically assembled at the primary or central meeting location; and
2. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able

to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely.

D. Process to Request Remote Participation

1. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Commission Chair (or the Vice-Chair if the requesting member is the Chair) that such member is physically unable to attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, (iii) such member's principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.
2. If the requesting member is unable physically to attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter and that such matter renders the requesting member unable physically to attend. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i) - (iii) above.
3. The requesting member is not obligated to provide independent verification regarding the reason for such member's nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents the member's physical attendance at the meeting.
4. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether the request is in conformance with this policy, and therefore approved or disapproved.

E. Process to Confirm Approval or Disapproval of Participation from a Remote Location

When a quorum of the Commission has assembled for the meeting, the Commission shall vote to determine whether:

1. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and
2. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

F. Recording in Minutes

1. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or because the member's principal residence is located more than 60 miles from the meeting location the Commission shall record in its minutes (1) the foregoing circumstance due to which the member is participating remotely; (2) the Commission's approval of the member's remote participation; and (3) a general description of the remote location from which the member participated.
2. If the member is allowed to participate remotely due to a personal matter, the Commission shall record in its minutes (1) the specific nature of such personal matter that renders the requesting member unable to attend stated by the requesting member; (2) how many times the member has attended remotely due to a personal matter; (3) the Commission's approval of the member's remote participation; and (4) a general description of the remote location from which the member participated.
3. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

G. Closed Session

If the Commission goes into closed session, the member may continue to participate remotely in the closed session, and shall ensure that no third party is able to hear or otherwise observe the closed meeting.

H. Strict and Uniform Application of this Policy

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. Unless independently received by County staff, the Chair (or Vice-Chair) shall provide County staff with copies of the member's written request to participate remotely and the written response, as applicable, if the request or response is in writing, to be retained by County staff for a period of one year, or other such time required by records retention laws, regulations, and policies.

I. Meetings Held Through Electronic Communication Means During Declared States of Emergency

1. In addition to the foregoing, pursuant to the Code of Virginia Section 2.2-3708.2(A)(2) the Planning Commission may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with the Code of Virginia Section 44-146.17, or Fluvanna County has declared a local state of emergency pursuant to Code of Virginia Section 44-146.21, provided that (i) the

catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency provide for the continuity of operations of the Commission or the discharge of its lawful purposes, duties, and responsibilities. The Planning Commission when convening a meeting in accordance with this subdivision (I) shall:

- a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Planning Commission conducting the meeting;
 - b. Make arrangements for public access to such meeting through electronic communication means;
 - c. Provide the public with the opportunity to comment at those meetings of the Commission when public comment is customarily received;
 - d. Otherwise comply with the provisions of the Code of VFOIA; and
 - e. State in its minutes the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.
- J. Nothing in this Section XI shall be construed to prohibit the use of interactive audio or video means to expand public participation.

XII. CONDUCT OF BUSINESS

- A. When the question is called and there is no dispute, the Chair shall call for the vote.
- B. Whenever any member wishes to abstain from voting on any question, he or she shall so state and, if because of a conflict, shall indicate in accordance with the Virginia Conflict of Interests Act, Virginia Code § 2.2-3100 et seq., or as amended, and his or her abstention shall be announced by the Chair and recorded by the Clerk.
- C. Exhibits or electronic slides before the Commission shall become the property of the Commission and shall be filed with the Community Development Director.
- D. Citizens shall not speak at a meeting until they are recognized by the Chair. Citizens shall request recognition by addressing the Chair and then await acknowledgement. At his or her discretion, the Chair may permit a dialogue without individual recognition between members of the Commission or between a member and a citizen if such dialogue is orderly and contributes to the expedition of the business. Such discussion will be discouraged.

E. Prior to opening a meeting at which one or more public hearings will be held, the Chair shall recount the rules under which the hearing shall be operated, but he or she may amend the rules during the hearing by giving notice of the change to the Commission.

F. At the beginning of the public hearing, the Chair shall call upon the Community Development Director or the Chair of the committee handling the matter at hand or shall recount a description of the issue placed before the hearing.

G. Subject to revocation or extension by the majority of the commission assembled, the Chair may in all matters establish a maximum time for consideration of the matter, and/or limit the amount of time available to each speaker on a matter and/or limit the number of times each speaker may address the Commission on a matter. Notwithstanding the foregoing statement, every Commission member shall be entitled to make a statement on every matter before the Commission and the call for the question shall not be entertained until all members who wish to exercise this right shall have done so.

H. All members or citizens shall limit their comments before the Commission. The Chair has the option of requiring speakers to sign up before being authorized to address the Planning Commission.

I. The Commission has set forth the following rules for presentation time limits:

1. Individual presentations placed on the Commission's agenda shall be limited to ten (10) minutes in duration.
2. Individual presentations listed under the agenda item "Public Comments" shall be limited to five (5) minutes in duration.
3. Statements from the public during the "Public Hearing" on individual agenda items shall be limited to five (5) minutes.
4. Complete presentations on Commission action items shall be limited to not more than ten (10) minutes.
5. The above limitations may be extended only by majority consent of the Commission.

XIII. ORDER

A. It shall be the duty of the Chair to maintain order and decorum at meetings. The Chair shall speak to points of order in preference to all other members.

B. In maintaining decorum and propriety of conduct, the Chair shall not be challenged and no debate shall be allowed until after the Chair declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of

order, the regular business may be suspended by vote of the Commission to discuss the matter.

C. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chair shall be the judge of such breaches.

D. When a person engages in such a breach, the Chair may:

1. Order the person to stand silent,
2. Order the person's removal from the building, or,
3. Order the person removed from the County Property.

XIV. COMMITTEES. There will be no standing committees. Ad hoc committees will be appointed by the Chair, as needed. Constitutional Officers may be appointed to committees.

XV. RULES

A. The bylaws may be suspended at anytime by a majority vote of the Commission.

B. The bylaws may be amended by a majority vote of the Commission, but only at the regular meeting next held after the proposed amendment has been announced at a regular meeting.

XVI. RECORD OF THE MEETING. The Clerk of the Commission or another person acting in the capacity shall electronically record each regular meeting. Recordings are the property of Fluvanna County. A stenographic record shall not be admissible as evidence of what transpired at a meeting, unless the person taking the record has been sworn prior to making the record. Audio recordings are available on the county website at www.fluvannacounty.org/meetings