

**ESSEX COUNTY  
BOARD OF SUPERVISORS**



**BY-LAWS**

Adopted January 14, 2020

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## TABLE OF CONTENTS

I	Creation	1
II	Seal of the Board	1
III	Principal Address	1
IV	Chairman to the Board	1
V	Vice Chairman	1
VI	County Administrator	1
VII	Clerk to the Board	1
VIII	County Attorney	1
IX	Quorum for the Exercise of Board Business	1
X	Meetings and Attendance	2
XI	Order of Business	3
XII	Conduct of Business	4
XIII	Order	5
XIV	Committees	5
XV	Parliamentarian	6
XVI	Rules	6
XVII	Official Board Travel	6
XVIII	Record of Meetings	6
XIX	Approval of Certain Checks, Authorization to Sign with Stamp	6
XX	Nature of Rules of Practice and Procedure	6

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January 14, 2020  
ESSEX COUNTY BOARD OF SUPERVISORS  
BY-LAWS

**I. CREATION** The Essex County Board of Supervisors, hereinafter called the Board, is an elected body provided by the Code of Virginia, Section §15.2-1400. It consists of five (5) members, with one (1) elected from each of the four (4) Voting Districts and one (1) member elected At Large.

**II. SEAL OF THE BOARD** When affixed to any paper or document by the Clerk of the Board, the Seal has the force and effect for authentication for the Board.

**III. PRINCIPAL ADDRESS** 202 S Church Lane, Tappahannock, Virginia, 22560. Mailing address: P.O. Box 1079, Tappahannock, Virginia 22560.

**IV. CHAIRMAN TO THE BOARD** At the first meeting of the year, the Board selects one of its members to serve as Chairman. The Chairman is a voting member and serves for one year.

**V. VICE CHAIRMAN** At the first meeting of the year, the Board selects one of its members to serve as Vice Chairman. The Vice Chairman is a voting member and serves for one year.

**VI. COUNTY ADMINISTRATOR** The County Administrator shall assume the general duties as set forth in the Code of Virginia, Section §15.2-1541. He shall maintain an office at the same address as the Board.

**VII. CLERK TO THE BOARD** The Administrative Assistant to the County Administrator is appointed and shall serve as Clerk to the Board for all purposes except those set out in paragraph G of Section §15.2-407, which is hereby expressly placed in the County Administrator, or his designee Section §15.2-1538.

**VIII. COUNTY ATTORNEY** The County Attorney assists the Board in analyzing the facts; provides advice and action in legal matters, and represents the Board in civil actions.

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**IX. QUORUM FOR THE EXERCISE OF BOARD BUSINESS** A majority of the Board shall constitute a quorum for the purpose of conducting Board business.

**X. MEETINGS AND ATTENDANCE**

A. All meetings and business shall be conducted in accordance with the Code of Virginia, Robert's Rules of Order Revised, and these rules of practice and procedures as interpreted by the Chairman.

B. Regular Meetings. The regular meeting schedule for the year will be adopted during the Board's January Organizational Meeting. Meetings will be held in the Essex County School Board Office Complex in the Board Meeting Room on Cross Street, North, in Tappahannock. Closed Meetings will be held as needed. Meetings shall start at the appointed time, and if the Chairman is not present, the Vice Chairman shall preside.

C. Work Sessions. The work session schedule for the year will be adopted during the Board's January Organizational Meeting. Additional work sessions will be scheduled and noticed as needed.

D. One Town Hall Style Meeting. One Town Hall style shall be held by the Board of Supervisors annually. The date, time and place of such shall be decided annually by the Board.

E. Guidelines for Board Agenda Items

- 1) Agenda items are due by 4:30 p.m. Monday the week before the Board meeting.
  - 2) All agenda documents are placed in a series of shared folders on the Internet. (Contact Essex County Director of Technology, for access to these drives).
  - 3) All Department Directors, Constitutional Officers, and Agency Heads are to provide a monthly report and place it in the appropriate folder or email to the Deputy Clerk to the Board. Reports should be provided in both Word and PDF formats.
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- 4) Public Hearings should include a copy of the hearing notice, associated ordinances, and any other documents pertinent to the hearing. All hearing notices and ordinances must have legal review.
- 5) Other folders are available for Action Matters, Consent Agenda items and Work Session items.
- 6) If you need clarification regarding where to place documents, or which documents are required for your agenda item, contact the Deputy Clerk to the Board by at (804-443-4332) or email.
- 7) The Board discourages handing out additional paper copies of items during the Board meeting.
- 8) Vacancies and potential vacancies of positions to be appointed or recommended for appointment by the Board of Supervisors will typically be announced publicly at least 60 days before the Board intends to vote to fill such vacancies.
- 9) A majority Board vote is typically required to advertise a matter for public hearing. However, if time or circumstances do not permit a vote of the Board of Supervisors, the County Administrator will poll the Board members and if at least three members express support for the advertisement, the matter may be advertised notwithstanding the lack of a Board vote.

F. The County Administrator shall list all items requested on the agenda. If the County Administrator considers an item not appropriate for consideration by the Board, he shall inform the Chairman, and if the Chairman is in agreement, the Board shall first discuss whether to entertain the item.

G. The County Administrator shall allocate time to items on the agenda to suit the convenience of the Board.

H. The Board shall consider all items on the agenda before taking any other items, unless an unlisted item is brought by consent of the Board.

I. Items not on the agenda shall be heard as the final items

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of the Board's business, time permitting, or shall be carried over to the next regular or special meeting as determined by the Chairman or the Board.

J. The Chairman's vote on all issues before the Board shall be recorded with the prevailing side, unless the Chairman clearly votes otherwise.

K. Once a notice for Public Hearing has been advertised (regardless of the nature), the Public Hearing will be conducted, unless the Board formally defers the matter to a future meeting.

**XI. ORDER OF BUSINESS** The Order of Business shall be as follows unless the County Administrator in drawing up the Agenda shall find good cause to change it:

1 - Call to Order, Pledge of Allegiance, and Invocation
2 - Agenda Approval
3 - Recognition
4 - Public Hearings
5 - Public Comments
6 - County Administrator's and Agencies' Reports
7 - School Superintendent's, Constitutional Officers' & VDOT Reports
8 - Boards and Committees Minutes
9 - Consent
10 - Old Business
11 - New Business
12 - Closed Meeting
13 - Reconvene in Open Session
14 - Board Requests and Directives
15 - Adjourn

Items shall be heard in order of the agenda in preference over other business, except that the Board may vote to call up any matter at any time.

## XII. CONDUCT OF BUSINESS

A. When the question is called and there is no dispute, the Chairman shall call for the vote.

B. Any member abstaining on a vote shall so indicate following the call for the vote.

C. Exhibits before the Board shall become the property of the Board and shall be filed with the County Administrator.

D. Citizens shall not speak at a meeting until they are recognized. Citizens shall request recognition by addressing "Mr. Chairman" or "Madam Chairman" (as appropriate) and await acknowledgment. At Chairman's discretion, the Chairman may permit a dialogue without individual recognition between members of the Board or between a member and a citizen if such dialogue is orderly and contributes to the expeditious conduct of business.

E. Should it be desired by the Chairman, any member, or by the County Administrator, the member making a resolution shall reduce the same to writing and deliver it to the County Administrator's Office. The County Administrator shall take down verbal resolutions as accurately as possible, but when loosely worded or unindicated "whereas" precede the motion, the County Administrator should use appropriate language to accomplish the intent of the Board.

F. Prior to initiating a public hearing; the Chairman shall recount the rules under which the hearing shall be operated, but the Chairman may amend the rules during the hearing by giving notice of the change to those gathered. At the beginning of the public hearing, the Chairman shall call upon the County Administrator or the other staff member handling the matter at hand or the Chairman shall recount a description of the issue placed before the hearing.

G. Subject to revocation or extension by the majority of the Board assembled, the Chairman may in all matters establish a maximum time for consideration of any matter, and/or limit the amount of time available to each speaker, including Board members,

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on a matter and/or limit the number of times each speaker may address the Board on a matter. Notwithstanding the foregoing statement, every Board member, by their election or appointment, is entitled to speak on every matter before the Board and the call for the question shall not be entertained until all members who wish to exercise this right shall have done so at least once.

H. All members or citizens shall limit their comments before and to the Board. The Chairman may prohibit questions from citizens until a speaker has finished his/her presentation.

I. The Board of Supervisors has set forth the following rules for time limits and sign in requirement:

1. Public Comments shall be limited to five (5) minutes per individual. Individuals are encouraged to sign in prior to addressing the Board (recordation of full name and address).
2. Presentations shall be limited to ten (10) minutes. Presenters are encouraged to provide any hardcopies or other materials for the Board through the Clerk of the Board for distribution.
3. Action Item presentations shall be limited to thirty (30) minutes.
4. The above limitations may be extended by majority consent of the Board.

J. Each Board member shall fully comply with the Virginia State and Local Government Conflicts of Interest Act as provided in the Code of Virginia, Sec. §2.2-3100.

K. Issues that the Board plans on discussing or has required a presentation shall normally have all materials in the agenda package for advance study.

### **XIII. ORDER**

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

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B. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Board wishes to debate the matter of the disorder or the bringing of order, the regular business may be suspended by vote of the Board to discuss the matter.

C. No member or citizen shall be allowed to use slanderous or abusive language directed at any member of the Board or other person, to create excessive noise, or in any way incite persons to use such tactics. The Chairman shall be the judge of such breaches, however, the Board may vote to overrule both.

D. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property and may, at their discretion, bring formal charges for disruption of a public meeting.

#### **XIV. COMMITTEES**

The Board will generally act as a committee of the whole.

#### **XV. PARLIAMENTARY RULINGS**

The Chairman will make rulings on issues when they arise regarding the application of these Rules, or other issues of parliamentary procedure. Such rulings may be overruled at the time of such ruling by a majority vote of the Board of Supervisors.

#### **XVI. RULES**

A. The rules of practice and procedure may be suspended at any time by a majority vote of the Board of Supervisors.

B. The rules of practice and procedure may be altered by a majority vote of the Board of Supervisors.

C. Use of the County Attorney or other contracted services

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by any Board member shall be approved by the County Administrator or the Chair in advance, except as otherwise directed by the Board. Use of significant department head time by any Board member shall be approved by the County Administrator in advance, except as otherwise directed by the Board.

**XVII. OFFICIAL BOARD TRAVEL**

A. A Board member may travel officially in-state at the Board member's discretion. In-state travel shall include travel to Washington, D.C.

B. A Board member shall obtain advance approval of the Board prior to official travel out-of-state. A report and accounting of funds shall be made for travel.

**XVIII. RECORDING OF MEETINGS**

The Clerk of the Board (or another person acting in that capacity) shall record each regular meeting. These recordings are the property of the Essex County Board of Supervisors. Interested persons may listen to the recordings in the County Administrator's office, on-line via the county website, or may obtain copies of the recording by making appropriate arrangements with the County Administrator's office. Costs will be borne by the person making the request. The original recordings shall not be removed from the County Office Building.

**XIX. APPROVAL OF CERTAIN CHECKS, AUTHORIZATION TO SIGN WITH STAMP**

The Chairman, County Administrator or his or her Designee as needed, Director of Financial Services, Treasurer, and Vice Chairman are hereby authorized to sign and issue checks without prior approval of the Board for payroll and accounts payable, such actions are to be reviewed and ratified at the next appropriate meeting of the Board.

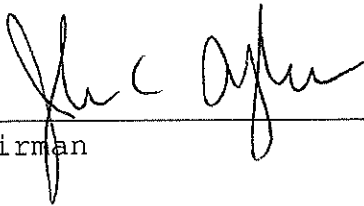
**XX. NATURE OF RULES OF PRACTICE AND PROCEDURE**

These Rules of Practice and Procedure are for the convenience of

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the Board of Supervisors and are adopted by the Board to assist it in the conduct of its meetings. Only the Board of Supervisors has standing to enforce the provisions of these Rules and only at the time of the application of the Rules.

Adopted January 14, 2020

  
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Chairman

  
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Clerk of the Board

