

**ESSEX COUNTY, VIRGINIA
PLANNING COMMISSION**

BYLAWS

ARTICLE I - AUTHORIZATION

- 1-1. This Planning Commission is established in conformance with the ordinance adopted by the Board of Supervisors of Essex County (the "Board") on June 10, 1980, and in accord with the provisions of §§ 15.2-2210 & 15.2-2212, of the Code of Virginia (1950) as amended.
- 1-2. The official title of this Commission shall be the "Essex County Planning Commission."

ARTICLE II - PURPOSE

- 2-1. The purpose of the Essex County Planning Commission (the "Commission") is to serve in an advisory capacity to the Board by preparing plans, ordinances, capital improvement programs and other documents for consideration by the Board and to carry out activities as designated by the Board.

ARTICLE III - MEMBERSHIP

- 3-1. The Commission shall consist of seven (7) members, four of whom shall be from each of the four (4) election districts and the remaining three (3) members appointed at-large. The Board shall appoint members and successors and the Board shall fill all vacancies.
- 3-2. Members of the Commission shall reside in Essex County and at least one-half (½) of the members must be owners of real property in Essex County.
- 3-3. Members of the Commission shall be appointed for a term of four years.
- 3-4. Vacancies shall be filled by appointment made by the Board and shall be for the remainder of an unexpired term.
- 3-5. Members of the Commission shall be eligible for reappointment.
- 3-6. Members of the Commission may be removed by the Board for malfeasance in office or poor attendance as determined in the sole discretion of the Board. A Commissioner may be removed 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 twelve-month period.
- 3-7. Members of the Commission shall attend and fulfill the requirements of the Virginia Certified Planning Commissioners Program within two calendar years of their appointment.
- 3-8. The Board may provide for the payment of expenses incurred by Commission members in the performance of their official duties and for compensation for services.

ARTICLE IV - OFFICERS AND THEIR SELECTION

- 4-1. The officers of the Commission shall consist of a Chair, a Vice-Chair and a Secretary. The Chair and Vice-Chair shall be elected by the membership. The Secretary shall be the Zoning Administrator, Planning Director or comparable County position.
- 4-2. Nomination of officers shall be made from the floor at the organizational meeting each year. The organizational meeting shall be considered to be the first regularly scheduled meeting held each year in July. A candidate for the offices receiving a majority vote of the entire membership of the Commission shall be declared elected.
- 4-3. Should the Chair and Vice-Chair be absent at any meeting, the member with the most seniority, alphabetically, shall preside as temporary Chair until the Chair or Vice-Chair is present.
- 4-4. Terms of office shall be for one year or until a successor takes office. The Chair and Vice-Chair can succeed themselves. Officers shall take office at the next regularly scheduled or special called meeting immediately following the organizational meeting.
- 4-5. Vacancies of the offices of Chair or Vice-Chair shall be filled by a majority vote of the Commission at the next meeting after such vacancy has occurred.

ARTICLE V - DUTIES OF OFFICERS

- 5-1. The Chair shall:
 - 5-1-1. Preside at all meetings.
 - 5-1-2. Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote by the members present).
 - 5-1-3. Carry out other duties as assigned by the Commission.
- 5-2. The Vice Chair shall:
 - 5-2-1. Assume the full powers of the Chair in the absence or inability of the Chair.
- 5-3. The Secretary shall:
 - 5-3-1. Record attendance at all meetings.
 - 5-3-2. Keep a set of minutes of the Commission meetings, which, after approval by the Commission, shall be retained in the Building and Zoning office.
 - 5-3-3. Notify all members of all meetings.
 - 5-3-4. Maintain a file of all Commission records and reports.
 - 5-3-5. Certify all maps, records and reports of the Commission.

- 5-3-6 Give notice and be responsible for publishing public notices of all Commission public hearings and public meetings.
- 5-3-7 Attend to the correspondence of the Commission.
- 5-3-8 Forward Commission recommendations to the Board along with a summary explanation of the Commission's vote and a summary explanation of any difference(s) between a staff recommendation and commission recommendation on a given matter.

ARTICLE VI - COMMITTEES

- 6-1. Committees may be established by majority vote of the Commission and members of committees may be established by majority vote of the Commission.
- 6-2. The Chairman shall be an ex officio member of every committee.

ARTICLE VII - MEETINGS

- 7-1. A schedule for the following twelve (12) months of regular Commission meetings shall be established during the Organizational meeting of the Commission in July of each year. Regular meetings of the Commission shall be held on the first Tuesday of each month at 7:00 P.M. Should the regular meeting date fall on a legal holiday, the meeting will be held on the next following regular business day. If the Chairman, 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, the regular meeting shall be continued to the next regularly scheduled meeting date. Such finding shall be communicated to the members of the Commission and the press and posted on the County's website as promptly as possible. All hearing and other matters previously advertised shall be conducted at the continued meeting, and no further advertisement is required. Any regular meeting may be cancelled by the Chairman, or the Vice Chairman if the Chairman is unable to act, if there is no new business. The Secretary shall notify the members of the Commission of the cancelled meeting. At no time, however, shall more than two consecutive meetings be cancelled.
- 7-2. Special meetings shall be called at the request of the Chairman or at the request of a quorum of the membership. Written notice of a special meeting is not required if the date and time of the special meeting has been fixed at a regular meeting or a previous special meeting with a quorum present. The Secretary shall post notice of special meetings on the County's website and shall cause other appropriate notice(s) to be posted as required by the Code of Virginia or other authority based on the subject(s) of the special meeting.
- 7-3. All regular meetings, work sessions, hearings, records, and accounts shall be open to the public except those meetings subject to the rules of closed meetings as set forth in the Code of Virginia. There shall be a Public Comment Period at each of the regular Planning Commission meetings. The Public Comment Period will allow a member of

the Public three (3) minutes to speak or five (5) minutes if representing a group, about any planning matter, except agenda items scheduled for a Public Hearing.

- 7-4. A majority of the members of the Commission shall constitute a quorum. A quorum of the Commission is required in order for the Commission to meet and/or conduct business matters. If a quorum is not present, those members in attendance shall adjourn to a later time when a quorum is present to transact business. The number of votes necessary to transact business shall be a majority of those voting. Voting shall be by roll call vote, in which case a record shall be kept as a part of the minutes.
- 7-5. No member present shall abstain from voting unless such member has a conflict of interest in the matter being voted upon. A “conflict of interest” shall exist when there is an actual conflict: 1) pursuant to the Virginia State and Local Government Conflict of Interests Act (§ 2.2-3100 et. seq. of the Code of Virginia, or 2) pursuant to any applicable policy adopted by the Board or 3) as stated by the Commission member unless objected to by a majority vote of the members of the Commission with such member asserting such conflict of interest not permitted to vote on such matter.
- 7-6. Commission members are permitted to meet with applicants outside of a Planning Commission meeting and Commission members shall publicly disclose any meetings at the next available Commission meeting by providing names of those persons in attendance and a summary of the reason(s) for such meeting, topics of discussion and any conclusions or findings as a result of the meeting.
- 7-7. The Secretary, in reporting votes of the Commission to the Board, shall indicate the recorded roll call vote including any abstentions and absences.

ARTICLE VIII- 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. Roll call.
 - 8-1-3. Consideration of minutes.
 - 8-1-4. Public Comment Period.
 - 8-1-5. Public Hearings.
 - 8-1-6. Other Unfinished Business.
 - 8-1-7. New Business.
 - 8-1-8. Special Reports from Staff or Special Committees.

- 8-1-9. Adjournment.
- 8-2. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order (Revised) and, more specifically, by the provisions which pertain to the Procedure in Small Boards. Seconds to motions are not required. The Chair may speak, make motions and vote on all matters.
- 8-2-1. A tie vote on any motion means the defeat of the motion for a lack of a majority vote. In the event of a tie vote and no other motion is passed on the item, the item shall: (1) be carried over to the next regularly scheduled meeting, or (2) to a time, date and place specified by a majority vote of the Commission, or (3) disposed of as required by law. If an item cannot be carried over due to a statutory time limit or other applicable statutory provision and the item required Board action, the item will be forwarded to the Board with a report of the tie vote.
- 8-3. The Planning Commission shall keep a set of minutes of all meetings and these minutes shall become a public record.
- 8-3-1. The Chair shall sign all minutes, and at the end of the year, shall certify that the minutes of the preceding year are true and correct.

ARTICLE IX - HEARINGS

- 9-1. In addition to those required by law, the Commission, following Board approval, may hold public hearings or meetings when it deems that such hearings or meetings are in the public interest.
- 9-2. 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 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 final publication, or as otherwise set forth in the Code of Virginia. Non-legal matters, or informational meetings not covered by the Code of Virginia, but called by the Commission, may be advertised once in a/any paper deemed appropriate by the Commission for the meeting purpose.
- 9-3. The case before the Commission shall be summarized by the Secretary. Presentations by staff and applicants shall be limited to fifteen (15) minutes each and the Commission may recall a staff member or applicant to obtain specific information. Members of the public shall have three (3) minutes to speak or five (5) minutes if representing a group.
- 9-4. A record shall be kept of those speaking before the hearing.

ARTICLE X - CORRESPONDENCE AND APPLICATION INFORMATION

- 10-1. The Secretary shall draft and sign all correspondence necessary for the execution of the duties and function of the Planning Commission.
- 10-2. The Secretary shall communicate by telephone or other means when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.
- 10-3. All information from an applicant for consideration of Commission action shall be submitted to the Secretary not less than sixty (60) days preceding the meeting proposed for such consideration. The Secretary may determine additional time is required for application review before such application is scheduled for consideration by the Commission and the applicant will be notified, in writing, of such action(s) and also shall be advised when an application may be considered complete and may be scheduled for Commission action.
- 10-4. All official papers and plans involving the authority of the Commission shall bear the signature of the Secretary.

ARTICLE XI - AMENDMENTS

- 11-1. These bylaws may be changed by a majority vote of the entire membership after thirty (30) days prior notice to the membership. Such notice shall include the proposed language for the amendment.

ARTICLE XII – ADJOURNMENT

- 12-1. A motion to adjourn shall always be in order and decided without debate.

Adopted	06/10/80
Amended	06/23/82
Amended	12/17/85
Amended	11/18/14
Amended	04/18/17
Amended	06/06/23