

County of Middlesex Board of Supervisors



Policy and Rules of Procedure

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ARTICLE I - MEETINGS

Section 1-1. Annual Organizational Meeting; Schedule of Regular Meetings and Work Sessions

On the first Tuesday of January of each year, or on such other date in the month of January as it may designate, the Board shall assemble at the Historic Courthouse, 865 General Puller Hwy., Saluda, Virginia, or such other public place as it may designate, in regular session, and conduct its Annual Organizational Meeting. During the course of such meeting, the Board shall fix the date, time, and place of all of its regular meetings and work sessions during the ensuing calendar year and shall fix the day on which a regular meeting shall be continued if the Chair 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 continued meeting, and no further advertisement is required. Should the Board subsequently change the date, place, or time of regular meetings it shall comply with the requirements of Section 15.2-1416 of the Code of Virginia, as amended.

Regular meetings, without further public notice, may be adjourned from day to day, from time to time, or from place to place, not beyond the time fixed for the next regular meeting until the business of the Board is concluded.

In the event a meeting is expected to have a public audience larger than the safe building capacity of the regular meeting space, the Chairman will poll the Board to request a change of venue and direct staff to notify the press and public of the change.

Section 1-2. Special Meetings

The Board of Supervisors may hold such special meetings as it deems necessary and at such times and places as it may find convenient. A special meeting shall be called pursuant to the requirements imposed by Section 15.2-1418 of the Code of Virginia, as amended. In addition, the Board may adjourn its special meetings from time to time as it may find convenient or necessary.

Section 1-3. Quorum and Method of Voting

At any meeting, a majority of the Supervisors shall constitute a quorum. All questions submitted to the Board for decision shall be determined by voice vote of a majority of the Supervisors present and voting on any such question, unless otherwise provided by law. The name of each member voting and how he or she voted must be recorded.

The Board of Supervisors has elected not to have a tiebreaker, as provided by the Code of Virginia, as amended, and a tie vote on any question shall defeat it.

Section 1-4. Procedure for Roll Call Vote

For a vote on matters before the Board requiring a roll call vote, the Clerk or Deputy Clerk shall call the name of each member and receive in reply the vote of such member either as “Yes” or “No” on the measure being considered. The order in which the names of the members are called shall be varied and rotated by the Clerk or Deputy Clerk at his or her discretion.

Section 1-5. Board to Sit with Open Doors

The Board of Supervisors shall sit with open doors, and all persons conducting themselves in an orderly manner may attend the meetings. However, the Board 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 Board. However, no closed meeting shall be convened unless and until the Board 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 and outlined in Section 2.2-3711 of the Code of Virginia, 1950, as amended.

Section 1-6. Remote Electronic Participation in Meetings

Pursuant to § 2.2-3708.2 of the Code of Virginia of 1950, as amended, the following policy is established for members’ remote electronic participation in Board of Supervisors’ meetings due to a personal matter or disability.

Except as provided hereafter, the Board of Supervisors does not conduct any meeting wherein the public business is discussed or transacted through electronic communication means where the members are not physically assembled. This policy is applied strictly and uniformly, without exception to the entire membership of the Board of Supervisors 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.

For purposes of this policy, “electronic communication means” refers to the use of electronic, digital, wireless, optical or similar technology capabilities to transmit or receive information.

Quorum Physically Assembled

The Board of Supervisors may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if:

1. On or before the day of the meeting, a member of the Board notifies the chair that such member is unable to attend the meeting due to:
 - a) a temporary or permanent disability or other medical condition, or due to a family member’s medical condition, that prevents the member’s physical attendance; or
 - b) a personal matter and identifies with specificity the nature of the personal matter;and
2. The Board approves the member’s participation by electronic communication means by a majority vote of the members present at the primary or central meeting location.

Participation by a Board member by electronic communication means 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.

If participation by a Board member through electronic communication means is approved pursuant to subsection A above, the Board shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved due to a temporary or permanent disability or other medical condition of the member, or a medical condition of his or her family member, the minutes shall record that fact. If participation is approved due to a personal matter, the minutes shall include the specific nature of the personal matter cited by the member.

If a member's participation from a remote location due to a personal matter is disapproved, such disapproval shall be recorded in the minutes with specificity.

A Board member may participate in a meeting by electronic means pursuant to this section only when:

1. A quorum of the Board is physically assembled at the primary or central meeting location; and
2. The Board makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

Quorum Not Physically Assembled

The Board of Supervisors may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17, provided that:

1. The catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
2. The purpose of the meeting is to address the emergency, or to otherwise transact public business by electronic means as authorized by the Commonwealth of Virginia.

If the Board holds a meeting pursuant to this policy, the Board shall:

1. Give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the Board; and
2. Make arrangements for public access to the meeting.

For any meeting conducted pursuant to this policy, the nature of the emergency and the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the meeting.

ARTICLE II - OFFICERS

Section 2-1. Chair and Vice Chair

At the annual meeting of the Board of Supervisors the Board shall elect from its membership a Chair and a Vice Chair, each of whom shall serve for a term which will expire on December 31st of the same year in which elected, or, until their respective successors shall have been elected. In the event that the Chair and Vice Chair are absent from any meeting of the Board, then, the members present at such meeting shall choose one of their number as temporary Chair by majority vote of the members present and voting.

Section 2-2. Chair May Administer Oath

The Chair, as provided in Section 15.2-1410 of the Code of Virginia, 1950, as amended, shall have the power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers or duties.

Section 2-3. Clerk

The Clerk of the Board shall be the County Administrator, whose duties and responsibilities as Clerk shall be as specified in Section 15.2-1539 of the Code of Virginia, 1950, as amended, or as delegated by the Board. At the discretion of the Board, any County employee can be designated as Deputy Clerk or Temporary Clerk.

Section 2-4. Parliamentarian

The County Attorney shall serve as the Parliamentarian for the Board at all of its meetings.

Section 2-5. Sergeant at Arms

The Sheriff of Middlesex County or his designee(s) shall serve as Sergeant at Arms at all regular Board meetings. As circumstances may require in the Sheriff's judgment and in consultation with the Board Chair and/or the County Administrator, the Sheriff may impose such security measures as he deems appropriate and lawful in order to protect the safety of the Board, the staff, and the public and to ensure the conduct of the public business at the Board meeting.

ARTICLE III - CONDUCT OF BUSINESS

Section 3-1. Order of Business

At regular meetings of the Board, the order of business shall be as follows:

- I. Call to Order
- II. Moment of Silence & Pledge of Allegiance

- III. Approval of the Consent Agenda
 - i. Meeting agenda
 - ii. Minutes
 - iii. Disbursements
 - iv. Payroll
- IV. Public Comment
- V. Constitutional Officers (as needed or requested by the Board)
- VI. Agency, Department and Staff Reports
 - i. VDOT report
 - ii. Middlesex County Public School report
 - iii. Department Director reports (when required)
- VII. Commission and Committee Reports (when required)
- VIII. Regular Agenda Items
- IX. County Administrator Items
- X. County Attorney Items
- XI. Unfinished Business
- XII. New Business
- XIII. Matters Presented by the Board
- XIV. Public Comment
- XV. *Closed Meetings (when required)
- XVI. Public Hearings and/or Scheduled Presentations (when required 7:00 p.m.)
- XVII. Adjournment

During the order of business items “Unfinished Business” and “New Business,” the Chair will call upon each Board member to present his/her Unfinished Business and then again for New Business.

The order of business item "Matters Presented by the Board" shall mean time for individual Board members to share information with other members of the Board and the public. If a Board member wishes, he/she shall be allowed to utilize the County owned projector in the Board room during said comment period. Items presented under this heading requiring action will be for future agendas. No item presented under this heading will be acted upon at the meeting at which presented unless it is with the unanimous consensus of the Board that the item be acted on at the time of presentation.

The order of business for a regular meeting may be modified at the Annual Organizational Meeting to provide for election of the Chair and Vice-Chair. If needed, the Board may recess the regular meeting for dinner at approximately 5:30 and reconvene the meeting at approximately 7:00 for continuation of County Business. *Note Closed Meeting pursuant to 2.2-3711 may be scheduled at differing times on the agenda.

Section 3-2. Consent Agenda

The Consent Agenda shall be introduced by a motion "to approve the Consent Agenda", and shall be considered by the Board as a single item. There shall be no debate or discussion by any member of the Board regarding any item on the Consent Agenda, beyond asking questions for simple clarification.

On objection by any member of the Board of Supervisors to inclusion of any item on the Consent Agenda, that item shall be removed from the Consent Agenda forthwith. Such objection may be recorded at any time prior to completing the taking of a vote on the motion to approve the Consent Agenda. Items which have been objected to and removed from the Consent Agenda shall immediately after the vote on the Consent Agenda has been taken be considered individually and in the order in which they were objected to.

Approval of the motion to approve the Consent Agenda shall constitute approval, adoption, or enactment of each motion, resolution, or other item of business thereon, exactly as if each had been acted upon individually.

Section 3-3. Manner of Addressing Board; Priority in Speaking

When any person, including Board members, speaks to the Board, he or she shall address the Chair and shall confine his or her remarks strictly to the question before the Board.

When two or more members of the Board wish to speak at the same time, the Chair shall select the one to speak first and the other(s) to speak in the order designated by the chair.

Section 3-4. Motion

No proposition shall be entertained by the Chair until a motion for the same has been duly made. The Chair may make a motion without vacating the chair.

Section 3-5. Motion to Adjourn; Automatic Adjournment

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

The Chair shall automatically adjourn, without benefit of any motion or debate, any meeting of the Board which has not concluded by 11:00 P. M. No meeting of the Board shall continue beyond 11:00 P. M. unless and until a motion to extend the time has been offered and passed by a majority vote of the members present and voting.

Section 3-6. Motions While a Question is Under Debate

When a motion is under debate at a meeting of the Board, no motion shall be received unless it is one to amend, to commit or refer for study, to postpone, for the previous question, for a substitute motion, to lay on the table, or to adjourn.

Section 3-7. Reconsideration of Motions, Etc., Upon Which Vote Has Been Announced

At a meeting of the Board, when any vote upon any motion, resolution, ordinance, or question has been announced, it may not be reconsidered unless and until a motion to that effect is presented by a member of the Board who voted with the prevailing side when such motion, resolution, ordinance, or question was considered at the meeting in which the vote took place. Any such motion to reconsider shall be decided by a majority vote of

the members present, unless a greater number of votes was required to pass the measure, in which event, the motion to reconsider shall not prevail, except upon the vote of as great a number of members as was required to pass the measure.

For the purpose of this Section, "meeting" shall include any adjourned or special meeting occurring prior to the next regular meeting.

Section 3-8. Robert's Rules of Order; Suspending Rules

The proceedings of the Board of Supervisors, except as otherwise provided in these By-Laws and by applicable State law, shall be governed by Roberts Rules of Order, Newly Revised.

These By-Laws of the Board may only be suspended on presentation of a motion to that effect, which is carried by unanimous vote of the members present and voting.

ARTICLE IV - PUBLIC HEARINGS

Section 4-1. Format for Public Hearings

The following format shall be followed for all Public Hearings conducted before the Board of Supervisors, except for those conducted by representatives of the Virginia Department of Transportation and other Commonwealth of Virginia Agencies:

- The Chair will make a brief statement identifying the matter to be heard and verify with the County Administrator or applicable Department Director that all legal advertisement requirements have been met.
- The Chair will call upon the appropriate County staff member to present the item to be heard. Staff presentations should be concise and normally limited to no more than twelve (12) minutes except when necessary to properly inform the public of the issue before the Board. In a land use matter, unless otherwise agreed by the Chair, the applicant or the applicant's representative(s) shall be allowed a maximum of twelve (12) minutes to present their case immediately following the staff presentation.
- The Chair will open the floor to public comment. Speakers participating in shall clearly state their name and address or magisterial district; and unless specified otherwise by the Chair, speakers shall be subject to an individual three-minute time limitation or twelve-minute if representing a group of four or more who indicate forfeiture of their individual time to speak.
- The Chair shall close the floor to public comment, and refer the matter for Board discussion. The Chair may offer time to either the applicant, or staff to address issues raised during public comment.

Section 4-2. Speakers

At every Public Hearing, speakers wishing to address the Board shall clearly state their name and address or magisterial district, if applicable, and they shall be allowed to speak for no more than the time limit set by the Chair. Each speaker may address the Board as many times as the Chair may allow, but no speaker shall exceed the total time limit set by the Chair regardless of the number of times recognized by the Chair. The Parliamentarian shall be responsible for noting the expiration of this time limit, and the Chair shall be responsible for enforcing said limit. All speakers shall direct their comments to the Board Chair.

Speakers may register with the Clerk prior to the start of the hearing, if the Chair feels it is necessary, 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 above in Section 4-1.

The Chair is allowed to recognize any citizen to speak to the Board during the course of any meeting if deemed appropriate; the Chair shall recognize a citizen when requested by two (2) or more Board members.

Section 4-3. Member's Participation

Board members shall limit their comments during public hearings to ensure full participation by the public without Board interference.

Section 4-4. Close of Hearing

When a Public Hearing shall have been closed by order of the chair of the Board, no further public comments shall be received.

ARTICLE V – AGENDA AND CITIZEN PARTICIPATION

Section 5-1. Preparation

The Clerk or Deputy Clerk shall prepare an Agenda for each regular meeting conforming to the order of business specified in Section 3-1 under Order of Business, with the advice, input, and ultimate approval of the Chair. Except where emergency circumstances require otherwise, every item to be placed on the Agenda shall be received in the Office of the County Administrator before the deadline established by the County Administrator (4:30 pm on the last Tuesday of the month prior).

Notwithstanding the preceding paragraph, proffers for rezoning applications will not be accepted if not received in the Director of Community Development's office by the date of first public notice of the scheduled public hearing on the application.

An item can be added to the agenda at any time when requested by any member and approved by majority vote of the Board.

Section 5-2. Delivery

The Agenda packet shall be received in electronic form by each member of the Board and by the County Attorney at least 90 hours prior to the meeting or in printed form to Board members upon request and within a reasonable timeframe thereafter.

Section 5-3. Posting

A copy of the Agenda shall be posted in the Office of the County Administrator, and on the County's WEB site and may be reviewed during normal office hours.

Section 5-4. Copies

The Clerk or Deputy Clerk of the Board shall prepare or cause to be prepared extra copies of the Agenda and shall make the same available to the public in the Office of the County Administrator at the same time that the Agenda is posted pursuant to Section 5-3, above. The Clerk or Deputy Clerk shall provide a copy of the agenda to local media in advance of regular meetings. The Clerk or Deputy Clerk shall also have copies of the agenda available at each meeting.

Section 5-5. Citizen Participation in Regular Meetings of the Board

Any citizen, group or agency, or County Staff member who desires to address the Board during the "Scheduled Presentations" or the "Regular Agenda" portion of the Agenda at a Regular Meeting shall submit a written request to the Clerk, or his designee, identifying, with reasonable certainty, the subject matter of the presentation. Such request must be in the Clerk's hands not later than the Agenda deadline specified in Section 5-1 hereof. Approval of the request shall be at the discretion of the Chair. Only the person requesting to make the presentation may speak, unless otherwise permitted by the Chair; and presentations shall be subject to a twelve-minute time limit, which can be extended with agreement of the Chair. Board Member questions and discussion of the material presented shall not be subject to any time limit.

No application shall be required in order to speak to the Board during Citizen Comment; however, speakers participating in that activity shall clearly state their name and address or magisterial district, and shall be subject to an individual three-minute time limitation or twelve-minute limit if representing a group of four or more who indicate forfeiture of their individual time to speak. Time Limitations are to be kept and enforced as stated in Article IV hereof. Each speaker at a Citizen Comment period shall be limited to one appearance at each regular meeting of the Board. All speakers shall direct their comments to the Board Chair. Any materials that the speaker(s) wishes the Board to review should be provided seven (7) days prior to the meeting. The Board will not review materials sent electronically to the Board during the meeting.

The staff will respond to questions asked during the Citizen Comment section of the agenda at the direction of the consensus of the Board.

The Chair is allowed to recognize any citizen to speak to the Board during the course of any meeting if deemed appropriate, and the Chair shall recognize a citizen when requested by two (2) or more Board members.

ARTICLE VI – POWERS OF THE CHAIR

Section 6-1. Powers of the Board Chair Outside of Board Meetings

The Board Chair (and the Vice-Chair in his or her absence) is specifically granted the authority to:

- Approve meeting agenda
- Issue proclamations and letters on behalf of the Board and the County which are congratulatory or honorary in nature without requiring the approval or a vote of the Board.
- Authorize the County Administrator's attendance at conferences.
- Approve leave requests for the County Administrator.
- Represent the Board at regional meetings and caucus meetings.
- Serve as primary liaison between the Board and County Administrator.
- Poll the other Board members to request a change of venue for meetings where public attendance is expected to exceed the safe building capacity of the regular meeting room.

ARTICLE VII – GENERAL RULES OF CONDUCT DURING BOARD MEETINGS

Section 7.1. Prohibition of Private Communication during Board Meetings

The Middlesex County Board of Supervisors wishes to observe the letter and spirit of the open meeting requirements of the Freedom of Information Act. Board members are prohibited from engaging in private communication regarding County business by any means, electronic or otherwise, during Board meetings.