

BOARD OF SUPERVISORS
Agenda Item

Meeting Date:	August 16, 2016
Title:	Authorize Amendments to the Board of Supervisors' By-Laws and Rules of Procedure
Department:	County Attorney
Staff Contact:	Charles L. Shumate
Board Committee/ Other BACC:	N/A
Staff Recommendation:	N/A
Fiscal Impact:	N/A
Time Sensitivity:	See background report

ATTACHMENTS:

1.	Background Report	3.	Clean draft of By-Laws
2.	Proposed Resolution R16-246		

<input type="checkbox"/>	Consent Agenda	<input type="checkbox"/>	Other Business	<input checked="" type="checkbox"/>	Unfinished Business
<input type="checkbox"/>	Discussion	<input type="checkbox"/>	Presentation	<input type="checkbox"/>	Work Session
<input type="checkbox"/>	New Business	<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Add-On

REVIEW:

X	County Administrator	
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DISTRICT:	N/A
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BACKGROUND REPORT

The Board and its By-Laws Committee (Committee) have discussed and proposed amendments to the Board's By-Laws and Rules of Procedure (By-Laws) at several meetings this year. Below is a summary of the substantive changes incorporated into the most recent draft of the By-Laws, which is before the Board for its consideration and adoption. The proposed changes would:

1. Establish the order of succession for interim Chairman, in the event the sitting Chairman is not re-elected, for the time between the end of a calendar year and when the next Chairman is elected at the annual meeting. (Section 1-1(B).)
2. Prohibit the Board Chairman from serving as chairman of any Board committee, except on a temporary basis during the absence of the committee chairman. (Section 1-1(C).)
3. Prohibit a person from serving as Board committee chairman, or as the chairman or vice-chairman of any County Board, Authority, Commission, and Committee, for more than two consecutive years. (Sections 1-1(F) and 2-1(B).)
4. Establish the procedure for electing committee chairmen, and that committees shall not have vice-chairmen. (Section 2-1(B).)
5. Define new business and the rules for acting on new business matters. (Section 3-3.)
6. Require the Clerk of the Board to keep audio recordings of all Board standing committee meetings. (Section 5-4.)
7. Establish the process for setting Board standing committee agendas. (Section 5-5.)
8. Require the County Administrator and County Attorney to communicate with all Board members, when responding to any one Board member regarding any issue of significance to the whole Board. (Section 6-2.)
9. Allow the Board to consider land acquisitions during November and December of election years if the acquisition is part of a project already in the Capital Improvements Program. (Section 6-6.)

A clean version of the proposed By-Laws is included as Attachment 3.

Pursuant to Section 7-1, the By-Laws may be amended only by a two-thirds vote of the Board after notice of the proposed amendment(s) is given at the previous Board meeting. Notice of the proposed amendments was provided at the Board's July 6, 2016 meeting.

Proposed Resolution R16-246 (Attachment 2), if adopted, would amend the By-Laws as referenced above.

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 16th day of August, 2016:

MEMBERS:

Robert "Bob" Thomas, Jr., Chairman
Laura A. Sellers, Vice Chairman
Meg Bohmke
Jack R. Cavalier
Wendy E. Maurer
Paul V. Milde, III
Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO AUTHORIZE AMENDMENTS TO THE
BOARD OF SUPERVISORS' BY-LAWS AND RULES OF
PROCEDURE

WHEREAS, the Board functions as a single legislative policy-making body vested with rights and powers conferred by general law; and

WHEREAS, the Board desires to amend its By-Laws and Rules of Procedure in order to establish rules which will further promote the Board's efficient consideration of public business;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of August, 2016, that it be and hereby does adopt the amendments to its By-Laws and Rules of Procedure, pursuant to the document entitled "2016 By-Laws and Rules of Procedure, Board of Supervisors of Stafford County, Virginia," dated August 16, 2016, as provided in the attached Exhibit A.

2016

BY-LAWS AND RULES OF PROCEDURE

**BOARD OF SUPERVISORS
STAFFORD COUNTY, VIRGINIA**

Adopted: _____, 2016

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2016
BY-LAWS AND RULES OF PROCEDURE
BOARD OF SUPERVISORS OF STAFFORD COUNTY, VIRGINIA

Section 1 -- Meetings

Section 1-1 Annual organizational meetings

A. The first January meeting of each year shall be known as the annual meeting of the Board of Supervisors of Stafford County, Virginia ("Board"). The Clerk shall preside at the annual meeting until the election of the Chairman.

B. The Chairman shall be elected at the annual meeting. The Chairman shall serve until the beginning of the next annual meeting if the Chairman remains on the Board after the calendar year in which he/she was elected. If the Chairman is no longer on the Board, the following members shall serve as interim Chairman, in order of succession: (1) Vice Chairman, if remaining on the Board after the calendar year in which he/she was elected; (2) most senior member of the Board by number of immediately preceding consecutive years; (3) most senior member of the Board by total number of non-consecutive years. If the most senior members of the Board have served for an equal number of years, then the Board shall anticipate the need to elect an interim Chairman and, at the last meeting of the calendar year, elect one of the most senior members to serve as interim Chairman.

C. The Chairman shall not serve as chairman of any Board committee, except that he/she may serve in an interim capacity in the absence of the committee's chairman.

D. Following his/her election at the annual meeting, the Chairman shall conduct the election of the Vice Chairman.

E. The Chairman and Vice Chairman may succeed him/herself in office, but no member shall serve as Chairman or Vice Chairman for more than two consecutive years.

F. Following the election of the Vice Chairman, the Board shall:

1. Establish days, times, and places for its regular meetings; and

2. Make appointments of individuals to County boards, authorities, commissions, and committees. Appointments shall be made by majority vote. Appointments to the various County boards, authorities, commissions, and committees may be made by a single vote or multiple votes, except as required by the Code of Virginia. Appointments may be made by motion, resolution, or ordinance, except as required by the Code of Virginia. No appointed member shall serve as the Chairman or Vice Chairman for more than two consecutive years.

Section 1-2 When regular meetings held

Whenever the regularly scheduled meeting date falls on a legal holiday, the regular meeting shall be held on the following day in accordance with § 15.2-1416 of the Code of Virginia (1950), as amended. The Chairman may cancel any meeting because of

inclement weather or disaster and should reschedule any cancelled meeting at the earliest possible date. No meeting shall last any later than midnight of the day of the meeting, unless a majority of the Board votes to extend the meeting.

Section 1-3 Special Meetings

The Board may hold such special meetings as it deems necessary at such times and places, as it may find convenient; and it may adjourn from time to time. A special meeting of the Board shall be called pursuant to § 15.2-1418 of the Code of Virginia (1950), as amended. Notice to the public of any special meeting shall be given contemporaneously with the notice provided to the members of the Board and the County Attorney.

Section 1-4 Quorum and method of voting

A. A quorum shall consist of a majority of the members of the Board.

B. At meetings of the Board, the Chairman shall announce which members are absent and the reasons for their absence, if known. Such announcement shall be made immediately after the roll call of members; or, if a member leaves after the roll call, as soon as practicable thereafter. Any absences and the reasons therefore also shall be recorded in the minutes of the meeting.

C. All questions submitted to the Board for decision shall be voted on using the electronic voting board. Any member may request a roll call vote. A green light represents a “Yea” vote and a red light represents a “Nay” vote. The Chairman shall call for the vote and each member shall cast his/her vote via the electronic voting board. The Chairman shall then call for the Clerk to close the vote. Upon closing the vote, the Clerk shall display the vote as directed by the Chairman. Upon the display of the vote, the Chairman shall announce the vote. If a Board member believes that the electronic voting board does not correctly reflect their vote or did not record their vote, the member shall advise the Chairman immediately after the Chairman announces the vote. If the electronic voting board is not available due to technical problems/malfunction, the Board shall vote using a roll call vote.

D. It shall be the duty of every member to vote on issues before the Board. If a member abstains, he/she shall state his/her reason for abstaining for the record. If an abstention occurs, it shall be the responsibility of the Chairman to have the reason for the abstention noted in the official record.

E. A tie vote fails; however, if all members are not present for the vote, the matter shall be passed by until the next regular meeting of the Board, when the matter shall be placed on the agenda as if for the first time, with full discussion and debate allowed by all members and with a new vote taken by all members present.

Section 1-5 Electronic/telephonic meetings

Except as permitted by §§ 2.2-3708 and 2.2-3708.1 of the Code of Virginia (1950), as amended, and the Board’s adopted Policy Governing Electronic Participation in Meetings by Members, Board members shall not participate in Board, committee, and

subcommittee meetings by telephone or electronic means (i.e., communications of a simultaneous nature).

Section 2 -- Officers

Section 2-1 Chairman and Vice Chairman

A. The Chairman shall preside at all meetings of the Board. The Vice Chairman serves in the absence of the Chairman. If both the Chairman and the Vice Chairman are absent from any meeting, the remaining Board members shall elect a Board member to preside as Temporary Chairman.

B. The Board shall make all appointments to committees comprised solely of Board members, including regular committee members and alternates. No such committee shall be comprised of more than three Board members. Each committee shall have a chairman, elected by the committee at its first meeting of the year in the same method as provided for by the Board in Section 1-1. Committees shall not have a vice chairman. If the committee chairman is absent from any meeting, the remaining Board members shall elect a Board member to preside as temporary chairman. No Board member shall serve as the chairman of a committee for more than two consecutive years. Substitutes or alternates may participate only if so authorized by the committee chairman.

Section 2-2 Preservation of order

At meetings of the Board, the Chairman shall preserve order and decorum.

Section 2-3 Chairman may administer oaths

The Chairman shall have the power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers and duties.

Section 2-4 Parliamentarian

Except as modified herein or as provided by law, the most current edition of Robert's Rules of Order shall be the parliamentary authority of the Board using the Rules for small bodies. The County Attorney, or his/her designee, shall act as Parliamentarian to the Board. Any questions involving the interpretation or application of Robert's Rules of Order shall be addressed to the County Attorney, or his/her designee. If the County Attorney, or his/her designee, is unavailable, the County Administrator shall serve as the Parliamentarian.

The Parliamentarian advises the Chairman on matters of order and parliamentary procedure. The Parliamentarian's role is purely advisory and consultative. The Chairman alone has the power to rule on questions of order and to answer parliamentary inquiries.

Section 2-5 Clerk

The Clerk of the Board shall be the County Administrator as set out in §§ 15.2-1538 and 15.2-1539 of the Code of Virginia (1950), as amended.

Section 3 -- Conduct of Business

Section 3-1 Order of business

A. The order of business for Board meetings shall be generally as follows:

1. call to order
2. roll call of members
3. announcement of absences
4. presentations by the public-I
5. presentations and committee reports by members of the Board
6. report of the County Attorney
7. report of the County Administrator
8. additions/deletions to the agenda
9. consent agenda
10. unfinished business
11. new business
12. closed meeting (if necessary)
13. recess
14. invocation (7:00 p.m.)
15. Pledge of Allegiance
16. presentations by the public-II
17. public hearings
18. adjournment

B. The above order of business and times may be modified by the County Administrator should there not be an afternoon or evening portion of the meeting, or for presentations by VDOT, the Sheriff, the School Superintendent or his/her designee, etc., and appointments which are occasional in nature.

C. Presentations and committee reports by Board members are limited to five (5) minutes each, unless extended by the Chairman. It shall be the responsibility of the Chairman to enforce this rule.

D. Presentations by the public are governed by the following rules:

1. Comments by the public shall be limited to three (3) minutes for all speakers.

2. Any person who speaks during the day public presentation portion of the meeting shall not be permitted to speak during the evening public presentation period on the same subject matter.

3. Though encouraged to complete a speaker's card in advance for record purposes, any person wishing to speak may do so without completion of a speaker card.

4. Public presentations that require the use of the County's electronic system for power point or other visual displays must be submitted to the Clerk, or his/her designee, by noon on the Monday before the Board meeting at which the presentation is to be made.

5. Citizens may not address issues during the presentation by the public period on matters that are scheduled for public hearing during the same meeting.

E. No action shall be taken on any committee report unless it is time-sensitive. Action on any committee report shall be scheduled for the next regular agenda.

F. The County Administrator is authorized to make payment on previously approved expenditures in excess of \$100,000 when Board meetings are more than two weeks apart. The Board shall ratify such payments at its first meeting after such payments are made.

Section 3-2 Consent agenda

A. 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.

B. There shall be no debate or discussion by any member of the Board regarding any item on the consent agenda. Board members may ask questions to clarify a consent agenda item. At a Board member’s request, an item shall be removed from the consent agenda and addressed as a discussion or action item after the Board disposes of the consent agenda.

C. Specific items that involve the expenditure of funds which have been approved in the annual County budget may be placed on the consent agenda.

D. The appointment of individuals to County boards, authorities, commissions, and committees to at-large positions may be placed on the consent agenda, provided that the nominee has completed a Board Bank Application, and such application has been made available to the Board as a part of its package prior to the meeting at which the appointment is to occur.

E. The acceptance of grants from federal or state agencies and flow-through funds awarded to county entities, departments, and agencies may be placed on the consent agenda.

F. The acceptance of property or the ratification of the purchase of property previously authorized by the Board may be placed on the consent agenda.

Section 3-3 New Business

No matter which is designated as new business on the agenda, or which was not added to the agenda within the deadline for doing so, may be voted on at its first reading unless it is time-sensitive and two-thirds of the members present at such meeting consent to such vote. Otherwise, the matter shall be carried over to the next Board meeting.

Section 3-4 Motions

A. No motion shall be discussed prior to being duly seconded in accordance with these By-Laws. After a motion is properly made and seconded, the Chairman should restate the motion and open the floor to discussion.

B. The Chairman cannot make a motion unless such matter is specific to his/her district. The Chairman may make a motion without relinquishing the chair.

C. No member may speak a second time on a motion until every member desiring to speak has spoken.

D. A Board member may participate in discussion of any issue only after the Chairman recognizes that member. If two Board members desire to be recognized at the same time, the Chairman shall determine which member will be recognized first.

E. Any member of the Board may make a motion to call-the-question. Such motion requires a second and is not debatable. A motion to call-the-question requires a two-thirds vote of those present. The Chairman shall not recognize a motion to call-the-question until every member desiring to speak on the main motion has had an opportunity to speak.

F. After discussion is ended and prior to voting, the Chairman should ensure, if necessary, that the motion is sufficiently clear, at which time the Chairman shall call for the vote.

G. A substitute motion shall be allowed to any motion properly on the floor, and it shall have priority over an existing motion and may be discussed prior to being voted on. If a vote on the substitute motion does not dispose of the former motion, the former motion shall then be voted on. Once a substitute motion is voted on, a second substitute motion may be made.

H. When a vote on any motion has been announced, it may be reconsidered on the motion of any member who voted with the prevailing side, provided that such motion to reconsider is made at the meeting of the Board at which the vote was taken. Such motion for reconsideration shall be decided by majority vote of members present.

I. Motions to table shall be voted on without discussion or debate.

Section 3-5 Appeal to Board

Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order or the interpretation of these By-Laws. A majority vote of those present is necessary to overrule the Chairman. The motion requires a second and is debatable.

Section 3-6 Suspending rules

One or more of these By-Laws and Rules of Procedure may be suspended for a specifically stated purpose with the concurrence of two-thirds of the members present. The motion requires a second and is not debatable.

Section 4 -- Public Hearings

Section 4-1 Chairman to conduct public hearings

The Chairman shall conduct all public hearings.

Section 4-2 Order of public hearings

The order of public hearings shall be as follows:

A. The Chairman shall open the public hearing.

B. Public hearings should begin with a brief presentation from a staff member and/or representative from the board, authority, commission, or committee, by recognizing the County Administrator. The presentation shall summarize the facts about the issue. Board members' inquiries during the staff's presentation shall be limited to questions about the issue. Discussion or debate about the merits of the proposal shall occur after the close of the public hearing.

C. The applicant, or the representative of the applicant, shall make his or her presentation after the presentation from staff. There shall be a time limit of ten (10) minutes for the applicant's, or the representative's, presentation, unless extended by the Chairman. Any and all representations made by the applicant, or the representative, to the County on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the County.

D. The Chairman shall then solicit comments from the public. Each speaker must clearly state his/her name and address. There shall be a time limit of three (3) minutes for each speaker.

E. After public comments have been received, the applicant, or the representative of the applicant, at the applicant's discretion, may respond with further information. There shall be a five (5) minute time limit for rebuttal by the applicant, or the representative of the applicant, unless extended by the Chairman.

F. Upon the conclusion of the applicant's, or the representative's, comments, the Chairman shall close the public hearing.

Section 4-3 Members' participation

Board members shall withhold their comments in public hearings to ensure participation by the public without Board interference.

Section 4-4 Close of hearing

When a public hearing has been closed by the Chairman, no further public comments shall be permitted. Board members, however, may direct questions to the applicant, the representative of the applicant, the representative of the board, authority, commission, or committee, and/or staff member for clarification prior to taking any vote, if a vote is in order.

Section 4-5 Debate

Following the close of the public hearing, the Chairman may entertain a motion and a second to dispose of the issue, and the Board may debate the merits of the issue. During the Board's discussion and/or after a motion is made and seconded, Board members may ask questions of the applicant, the representative of the applicant, the representative of the board, authority, commission, or committee, and/or staff member.

Section 5 -- Agenda

Section 5-1 Preparation

A. The Clerk shall prepare an agenda for each regular and special meeting conforming to the order of business specified in Section 3-1 entitled "Order of Business." The County Administrator shall coordinate the scheduling of items on the agenda with the Chairman.

Section 5-2 Board members' request for discussion items

A. Each Board member may request that no more than two (2) total items be included on any Board meeting agenda for discussion. If the Chairman or County Administrator receives the request prior to the preparation of the proposed agenda as set forth in Section 5-1(A) of these By-Laws, the Chairman shall include the requested item on the agenda. If the request is not received in time to be included on the proposed agenda, the County Administrator shall include a Board member request on the agenda for discussion purposes, so long as no Board member has no more than a total of two (2) discussion items on the agenda and the request is received by the County Administrator by the close of business on Tuesday of the week prior to the scheduled Board meeting (generally seven (7) calendar days prior to the Board meeting).

B. All items requested to be placed on the agenda, which have not been submitted within the prescribed deadline, shall be placed on the next regular agenda for consideration.

C. Board members shall receive sufficient advance notice of agenda items to enable them to study the issue presented, request additional information, and consult constituents.

Section 5-3 Appointments

Appointments may be placed on the agenda for consideration at any time, provided that no appointments shall be made prior to the annual meeting of the Board for a term beginning on January 1st of the calendar year. Nominees shall complete a Board Bank Application prior to being appointed. All appointments shall be made at the annual meeting. This restriction does not preclude appointments when vacancies occur or when new boards, authorities, commissions, and committees are created.

Section 5-4 Minutes

The Clerk of the Board, or his/her designee, shall prepare and maintain adequate minutes of the proceedings of the Board in accordance with the requirements of the Code of Virginia (1950), as amended. Each recorded vote shall indicate how each member

of the Board voted. Preparation of minutes will not include every aspect of the Board's meetings relating specifically to discussion and debate, but will include all significant events relating to official action. Minutes shall be included as part of the agenda package for the subsequent meeting of the Board.

In lieu of written minutes, the Clerk of the Board, or his/her designee, shall make audio recordings of the proceedings of the Board's Standing Committees.

Section 5-5 Standing Committee Agendas

The Clerk shall prepare an agenda for each Standing Committee of the Board, coordinating the scheduling of items with each committee Chairman. Board members may request that an item be added to a Standing Committee agenda up to the Friday before the Standing Committee meeting. An item may be added to a Standing Committee agenda up to and including the day of the committee meeting with unanimous consent of the committee's members.

Section 6 -- General Operating Policy

Section 6-1 Actions by individual members of the Board

A. It shall be the policy of the Board that no one member shall exert individual action or direct any County employee, or any board, authority, commission, or committee of the Board, to initiate any action that would require such individual to perform any action contrary to the laws, ordinances, or policies of Stafford County, or which would require the expenditure of public funds in any amount without the approval of the Board. It shall further be the policy that when any Board member writes a letter or memorandum expressing his/her views, that he/she place on the same document the following, if appropriate:

This letter, memorandum, or document represents only the views of the writer, or writers, and does not necessarily represent the views of any other individual member of the Board of Supervisors, or the Board of Supervisors as the governing body of Stafford County, Virginia.

B. It is anticipated and expected that a member cast a vote, or otherwise take official action, which is consistent with the position taken by the Board, as expressed in an official vote, while acting on any other board, authority, commission, committee, or other legal entity. By accepting the nomination, the nominee agrees to the adherence of these By-Laws.

Section 6-2 County Administrator and County Attorney

A. The County Administrator is responsible for the administration of the County government, and executing the policies of the Board. The County Attorney represents the Board in its capacity as the governing body. Both the County Administrator and the County Attorney work for the Board as a whole.

B. All draft resolutions shall be submitted to the Chairman, the County Administrator, and the County Attorney, prior to the Board meeting at which such draft resolutions are to be presented.

C. Written communications in response to any Board member regarding any issue that is pending before the Board, or any issue of significance to the Board, shall be made to all Board members. Written communications in response to any Board member regarding a district-specific issue or incident, or a constituent issue, may be made to only the inquiring Board member.

Section 6-3 Legal action

Board members, the County Administrator, the County Attorney, and any other public official are required to advise the Board prior to filing any civil lawsuit that involves the County. The Building Official, the Zoning Administrator, and/or the Fire Marshal, when appropriate, may seek injunctive relief in accordance with the procedures set forth by the County Administrator and the County Attorney.

Section 6-4 Discussion of zoning and land-use matters

Board members shall not engage in discussions or negotiations with applicants on zoning or land-use matters during the time that the application is before the Planning Commission and prior to referral to the Board, unless negotiations are facilitated by staff, prior to the Planning Commission's referral of the matter to the Board.

Section 6-5 Polling procedure

The County Administrator, or his/her designee, may separately contact members of the Board for the purpose of ascertaining a member's position with respect to public business, provided the contact does not constitute a meeting as defined in § 2.2-3701 of the Code of Virginia (1950), as amended.

Section 6-6 Action on certain matters in election years

In any year in which members of the Board are elected in a general election, the Board shall not take any action or vote in November or December regarding any of the following types of matters: (1) rezoning applications; (2) conditional use permit applications; (3) comprehensive plan amendments; (4) zoning text amendments; (5) land acquisitions, excluding those acquisitions associated with approved projects in the Capital Improvements Program (CIP); (6) borrowing money; (7) appointments to any boards, authorities, commissions, and/or committees; and/or (8) budget amendments, except prior year re-appropriations after the County's financial statements are completed.

Section 6-7 Use of County resources

No County resources shall be used in any way by members of the Board for political campaign purposes.

Section 7 -- Amendments

Section 7-1 Amendments to the By-Laws and Rules of Procedure

The By-Laws remain in effect until amended as necessary by a two-thirds vote of the Board after notice of the proposed amendment(s) is given at the previous Board meeting.