

**2019**

**BY-LAWS AND RULES OF PROCEDURE**

**BOARD OF SUPERVISORS  
STAFFORD COUNTY, VIRGINIA**

**Adopted: February 19, 2019**

**INDEX**

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	<b><u>PAGE</u></b>
<b>Section 1 - Meetings</b>	
Section 1-1 Annual organizational meetings .....	1
Section 1-2 When regular meetings held .....	2
Section 1-3 Special Meetings.....	2
Section 1-4 Quorum and method of voting .....	2
Section 1-5 Electronic/telephonic meetings.....	3
<b>Section 2 - Officers</b>	
Section 2-1 Chairman and Vice Chairman.....	3
Section 2-2 Preservation of order .....	3
Section 2-3 Chairman may administer oaths.....	3
Section 2-4 Parliamentary.....	3
Section 2-5 Clerk.....	3
<b>Section 3 - Conduct of Business</b>	
Section 3-1 Order of business.....	3
Section 3-2 Consent agenda .....	5
Section 3-3 New Business .....	5
Section 3-4 Unfinished Business.....	6
Section 3-5 Add-on Items .....	6
Section 3-6 Closed Meeting.....	6
Section 3-7 Work Sessions.....	6

Section 3-8	Motions.....	7
Section 3-9	Appeal to Board.....	7
Section 3-10	Suspending rules.....	8

**Section 4 - Public Hearings**

Section 4-1	Chairman to conduct public hearings.....	8
Section 4-2	Order of public hearings .....	8
Section 4-3	Members’ participation.....	8
Section 4-4	Close of hearing .....	8
Section 4-5	Debate .....	9

**Section 5 - Agenda**

Section 5-1	Preparation .....	9
Section 5-2	Board members’ requests for discussion items.....	9
Section 5-3	Appointments.....	9
Section 5-4	Minutes .....	9
Section 5-5	Committee Agendas .....	10

**Section 6 - General Operating Policy**

Section 6-1	Actions by individual members of the Board .....	10
Section 6-2	Use of Board Committees .....	11
Section 6-3	County Administrator and County Attorney.....	11
Section 6-4	Legal action .....	12
Section 6-5	Discussion of zoning and land-use matters.....	12
Section 6-6	Polling procedure .....	12
Section 6-7	Action on certain matters in election years.....	12

Section 6-8 Use of County resources..... 12

**Section 7 - Amendments**

Section 7-1 Amendments to the By-Laws and Rules of Procedure ..... 12

**2019**  
**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. Board members are ineligible to be elected Chairman for any year in which that member's seat on the Board is up for election, regardless of that member's intent to not run for election. 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 not succeed him/herself in office, but may serve any number of non-consecutive terms.

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, 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.
3. Make recommendations of individuals for appointment to County boards, authorities, commissions, and committees, as required by the Code of

Virginia (such as the Board of Zoning Appeals). Recommendations shall be made by resolution.

**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 shall be recorded in the minutes of the meeting.

C. All questions submitted to the Board for decision shall be voted on using the wireless voting device. Any member may request a roll call vote. A green light displayed on the monitor 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 from the dais using the wireless voting device, except for any Board member participating remotely pursuant to the Board’s Policy Governing Electronic Participation in Meetings. The Chairman shall then call for the Clerk to tally the vote. Upon tallying the vote, the Clerk shall display the vote and the Chairman shall announce the results. If a Board member believes that the wireless voting device did not record their vote or the monitor does not correctly reflect their vote, then the member shall notify the Chairman immediately after the Chairman announces the vote. If the wireless voting system 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**

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.

**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 regular Board meetings shall be generally as follows:

*Afternoon Session (3:00 p.m.)*

1. call to order
2. roll call of members

3. announcement of absences
  4. additions/deletions to, and approval of, the agenda
  5. presentations by the public-I
  6. presentations and committee reports by members of the Board and requests by Board members to remove items from the consent agenda
  7. report of the County Attorney
  8. report of the County Administrator
  9. consent agenda
  10. unfinished business
  11. new business
  12. closed meeting (if necessary)
  13. recess
- Evening Session (7:00 p.m.)*
14. call to order
  15. invocation
  16. Pledge of Allegiance
  17. presentations by the public-II
  18. public hearings
  19. 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. Any items on the agenda for the Afternoon Session which were not taken up by the Board prior to the Evening Session shall be carried over to the Evening Session and taken up by the Board after the public hearings.

### **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. At a Board member’s request made during Board member presentations and committee reports, 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. Items which are routine in nature and noncontroversial, including routine or noncontroversial add-on items, and are anticipated to have the unanimous approval of the Board may be placed on the consent agenda. Items shall not be considered routine in nature or noncontroversial if such item may readily initiate a discussion among the Board or any Board member would disagree with the items placement on the consent agenda. If there is any doubt as to the nature of the item, the item should be placed under new business and not on the consent agenda.

D. The County Administrator will place items on the consent agenda during preparation of the agenda. The consent agenda will be reviewed and items may be moved to new business by the Chairman and Vice-Chairman during the agenda review meeting.

E. 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. Ratification of such payments may be placed on the consent agenda.

### **Section 3-3 New Business**

A. No matter which is designated as new business on the agenda, or an add-on item under new business, or which was not added to the agenda within the deadline for doing so (excluding add-on consent agenda items), may be voted on unless two-thirds of the members present at such meeting deem the matter time-sensitive. Otherwise, the matter shall be carried over to the next Board meeting.

B. After a new business item’s or an add-on item under new business’ first read, it shall be placed under unfinished business for subsequent consideration by the Board, unless requested and there is no objection expressed by any Board member to placing the item on a subsequent meeting’s consent agenda.

C. Public hearing items shall not be considered new business and may be voted on at their first read.

**Section 3-4 Unfinished Business**

A. Items which were previously considered by the Board under new business or public hearings, or which are returning to the Board after being sent to a standing or *ad hoc* committee or a work session, will be an unfinished business item at a future Board meeting, except as provided in Section 6-2(E). Items may be carried forward as unfinished business until the constitution of the Board changes via the election of a new supervisor(s) at a general election.

B. Items coming to the Board after discussion in closed session at a previous Board meeting shall not be considered unfinished business.

**Section 3-5 Add-on Items**

A. Items which were not presented as part of the published agenda shall be included as add-on items placed in an add-on folder at each Board member seat at the dais. Add-on items shall be considered for addition to the agenda under the “additions/deletions to, and approval of, the agenda” portion in the order of business. Any item which would be acceptable for placement on the consent agenda may be placed as an add-on item to the consent agenda. All other items shall be placed as an add-on item under new business.

B. Add-on materials shall be made available to the public by having paper copies of the materials available in the Board Chambers (or other room in which the Board is meeting) and updating the online agenda.

**Section 3-6 Closed Meeting**

A. Notwithstanding the regular order of business set forth in Section 3-1(A) above, the Board may vote to enter closed session for purposes statutorily recognized as exceptions to the open meeting requirements at any point during a meeting by a majority vote.

B. After a closed meeting on personnel, or probable or actual litigation related legal items, the Board may take action upon such items. No other items may be considered after closed meeting unless two-thirds of the members present at such meeting deem it time-sensitive and consent to such vote.

**Section 3-7 Work Sessions**

A. Work sessions provide the Board members the opportunity to meet with staff in order to delve into complex issues, discuss solutions and alternatives, and to give staff direction. The County Administrator, in consultation with the Chairman and Vice Chairman, shall schedule work sessions and prepare the agenda.

B. Items may be sent to a work session by the County Administrator, in consultation with the Chairman and Vice Chairman, the Chairman, or the Board.

C. Work sessions are open meetings of the Board and all State law meeting provisions shall apply. Work sessions may be held immediately prior to a regular meeting or at any other time by calling a special meeting.

D. The Board shall not take a formal vote or action upon any item during a work session.

**Section 3-8 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 3-9 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 3-10 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 member'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 applicant's representative, 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.

B. 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 5-2 Board members' request for discussion items**

Each Board member may request that no more than two (2) total items be included on any Board meeting agenda for discussion under new business. If the Chairman or County Administrator receives the request at least seven (7) calendar days prior to the Board meeting, 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 next agenda for discussion purposes under new business, so long as no Board member has no more than a total of two (2) discussion items on the agenda.

#### **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. The Board shall make every effort to make all appointments 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**

A. 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.

B. Work Session minutes shall be prepared and maintained in accordance with Section 5-4(A).

C. 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. A summary of the actions taken by each Standing Committee shall also be prepared and included in the Board meeting agenda materials.

**Section 5-5 Committee Agendas**

A. The Clerk shall prepare an agenda for each Standing Committee of the Board, coordinating with the committee Chairman.

B. The Clerk shall prepare the agenda for any non-regular *ad hoc* committee of the Board, based on the desires and direction expressed by the Board when the *ad hoc* committee was created. The agenda items shall be limited to the subject matter(s) specifically referred from the Board to the *ad hoc* committee.

C. Informational and routine update items are appropriate for Standing Committee agendas, unless specifically requested for presentation to the Board.

**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.

C. Recognizing that persons holding a position of public trust are under constant observation, and recognizing that maintaining the integrity and dignity of public office is essential for securing a high level of public confidence in the institution of government,

annually the Board shall review and consider endorsement of a code of performance to convey to each other, as well as to the citizens of the County, its commitment to conduct the business of the Board and the County in a professional and dignified manner. The Board shall be presented with a code of performance annually at its organizational meeting for review and execution.

**Section 6-2 Use of Board Committees**

A. The standing committees of the Board are as follows: Finance, Audit, and Budget (FAB) Committee; Public Safety Committee; Community and Economic Development Committee (CEDC); and Infrastructure Committee. Standing Committee members shall be appointed by the Board at its annual meeting.

B. As the Board requires more thorough investigation of a matter, the Board may create an *ad hoc* committee. *Ad hoc* committee members shall be appointed by the Board. No more than three members of the Board may serve on a committee. The Board shall, by adoption of a charter, determine the charge of the committee and when the committee shall report its findings to the Board.

C. The Legislative Affairs Committee and the By-Laws Committee are regular *ad hoc* committees of the Board whose membership shall be appointed by the Board at its annual meeting.

D. Each committee shall have a chairman, elected by the committee at its first meeting 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 committee members shall elect a committee member to preside as temporary chairman. No Board member shall serve as the chairman of a committee for more than two consecutive years. Substitute or alternate committee members may participate only if so authorized by the committee chairman.

E. Items returning to the Board shall be placed on Unfinished Business, except that items which will require a referral to a BACC, a public hearing with the BACC, and a public hearing with the Board, may be placed on the Consent Agenda for referral to the BACC.

F. All committees provide information, feedback, and recommendations to the Board. No matter presented to a committee shall be terminated or tabled indefinitely by the committee. Committee votes and recommendations are not actions of the Board.

**Section 6-3 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 6-4 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 6-5 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 6-6 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 6-7 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 Improvement 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 6-8 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**

These 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.