

BY-LAWS OF THE CLARKE COUNTY PLANNING COMMISSION
(Adopted by the Planning Commission on January 3, 2023)

Article 1 – Purposes, Duties, and Authority

The Clarke County Planning Commission is created and organized pursuant to Code of Virginia §15.2-2210, et seq., and shall have the purposes, duties, and authority set forth therein. Meetings shall be held in accordance with Code of Virginia §15.2-2214. Provisions regarding conflicts of interest are set forth in Code of Virginia §2.2-3100 et. seq.

Provisions regarding Commission membership, terms of office, required oath of office, quorum, and officers are located in Section 2.2.3 of the Clarke County Zoning Ordinance (Code of Clarke County Chapter 200, Article I).

Article 2 – Election of Officers

- A. Selection of Chair and Vice-Chair. As required by Section 2.2.3 of the Clarke County Zoning Ordinance, the Commission shall elect from its membership a Chair and a Vice-Chair to serve a one year term. Election of officers shall be held at the Commission’s annual organizational meeting.
- B. Election procedure. The Director of Planning or other Staff designee shall open the floor for nominations for Chair. Once all nominations are made, the floor shall be closed to nominations and opened for discussion of the nominees. Once discussion is complete and floor closed, the Director of Planning or Staff designee shall call for a vote on each candidate in the order of their nomination. The candidate receiving a majority vote of the members present shall be declared elected and shall assume office immediately. The Chair-Elect shall repeat the process above for election of the Vice-Chair.
- C. Vacancies. Any vacancies in office shall be filled at the next regular Commission meeting by the election procedure outlined in Section B above. Vacancies shall be filled for the unexpired term.

Article 3 – Duties of Officers

- A. Duties of the Chair. The Chair shall preside at all meetings, appoint standing and special committees, rule on all procedural questions subject to a reversal by 2/3 majority vote of the members present, coordinate the work of the Commission staff through close and continuing cooperation with the County Administrator, and carry out other duties as assigned by the Commission.
- B. Duties of the Vice-Chair. The Vice-Chair shall act in the absence or inability of the Chair, have the power to function in the same capacity as the Chair whenever so authorized by the Chair, and carry out other duties as assigned by the Chair.

Article 4 – Committees and Liaison Members

- A. The Chair shall appoint such standing and special committees as the Commission shall direct and may designate the member who shall chair each committee. The Chair is an ex-officio member of all committees and shall not vote on committee matters. In the absence of a committee member, the Chair may serve as an alternate member and is authorized to vote on committee matters at that meeting.
- B. Membership on committees shall be limited to members of the Commission provided, however, that nonvoting advisory persons may be appointed by the Commission Chair from outside the Commission membership. Each committee shall determine its own policies as to attendance at meetings by advisory persons.
- C. The Chair shall confirm or revise the membership and chairmanship of all standing committees annually at the Commission’s organizational meeting.
- D. The Chair may designate Commission members to serve as liaisons to other public organizations. The designated liaison member shall be responsible for maintaining continuing communication and cooperation between the Commission and the organization to which the member is designated.

Article 5 – Meetings

- A. All meetings and public hearings shall be open to the public and conducted in accordance with Code of Virginia §15.2-2200 et. seq. and the Virginia Freedom of Information Act (§2.2-3700 et. seq.). Meetings shall be subject to the additional requirements included in this Article.
- B. Scheduling and Purpose of Meetings. The Commission shall schedule, on a monthly basis, a work session and a business meeting as described below. No work session or business meeting shall be scheduled for the month of August, however special meetings and committee meetings may be scheduled. The Commission shall establish the meeting schedule for the upcoming year at the Commission’s annual organizational meeting according to the dates described below. Deviations in this schedule may be made to account for conflicts with holidays, government meetings, inclement weather, or other events of significance.
 - 1. Business meetings. The purpose of the business meeting is to conduct scheduled Public Hearings; to take formal action on zoning and subdivision applications, ordinance or plan amendments, or other planning matters; and to discuss other matters pertinent to the Commission’s responsibilities. Business meetings shall be scheduled for the first Friday of each month.
 - 2. Work sessions. Formerly known as briefing meetings, the purpose of the work session is to receive information on the agenda items for the upcoming business meeting and to discuss projects and issues pertinent to the Commission’s

responsibilities in a workshop setting. Formal actions taken at work sessions shall be limited to the annual organizational meeting action items and those items specifically deferred from a business meeting to a work session. Work sessions shall be scheduled for the Tuesday prior to the Friday business meeting.

3. Committee meetings. Meetings of the Commission's standing and special committees may be scheduled on an as-needed basis at the discretion of Planning Staff or at the request of the Chair or Vice-Chair.
4. Special meetings. Special meetings of the Commission may be scheduled on an as-needed basis at the request of the Chair or Vice-Chair. Formal actions taken at special meetings shall be limited to those items specifically deferred from a business meeting to a special meeting.
5. Annual organizational meeting. The annual organizational meeting shall be conducted as the first item of business at the first Commission meeting of the calendar year. The annual organizational meeting shall consist, at a minimum, of:
 - a. Election of Chair and Vice-Chair;
 - b. Member assignments to committees;
 - c. Review and adoption of the meeting schedule for the year;
 - d. Review and adoption of the By-Laws; and
 - e. Review and adoption of the Commission's project priorities for the year.

C. Agendas. Planning Staff, under the direction of the Chair, shall be responsible for preparing the Commission's meeting agendas.

1. The regular meeting agenda shall include, at a minimum, the following items:
 - a. Call to order and determination of quorum
 - b. Approval of the agenda
 - c. Approval of minutes
 - d. Public hearing items
 - e. Technical reviews (e.g., site plans, subdivisions)
 - f. Board and Committee reports from designated liaisons
 - g. Other business items
2. The contents of work session agendas shall be prepared at the Planning Staff's discretion. The contents of special meeting agendas shall be prepared by Planning Staff at the Chair's or Vice-Chair's direction.
3. The order and content of the agenda may be changed by a majority vote of the members present at the meeting.

D. Parliamentary procedure in Commission meetings shall be governed by the most current edition of Robert's Rules of Order as modified by any applicable provisions of these By-Laws.

Article 6 – Meeting Decorum

- A. The purpose of this article is to establish rules for public participation and conduct during Planning Commission meetings. The general conduct of the public must be civil in manner, directed to the business at hand, and must conform to the rules listed in this article.
- B. Public Hearings.
 - 1. Members of the public are encouraged to provide comments on matters before the Commission during the scheduled public hearings. At the Chair’s discretion, speakers may be required to fill out a sign-in sheet prior to commencement of the public hearing.
 - 2. Speakers shall state their name and address for the record prior to addressing the Commission.
 - 3. Speakers shall have a maximum of 3 minutes to address the Commission or 10 minutes if the speaker is identified as representing a recognized group or if they are speaking on behalf of a group of citizens present at the public hearing. The time limit may be extended or waived at the Chair’s discretion.
 - 4. Speakers shall be civil in tone and demeanor and shall not make personal, impertinent, slanderous, or profane remarks, or any threatening or intimidating gestures, to any member of the Board, the staff, or the general public.
 - 5. Speakers shall address the Commission and shall not address the audience, answer questions from the audience, or engage in debate with anyone in the audience.
- C. Conduct of Meeting Attendees
 - 1. Meeting attendees are to be respectful of the opinions of others and shall refrain from shouting, booing, hissing, stomping, clapping, holding side conversations, or any other disruptive behaviors which impede the orderly conduct of Commission meetings.
 - 2. Any meeting attendee that participates in unacceptable behavior shall be ruled out-of-order by the Chair and, if necessary, be asked to leave the premises.

Article 7 – Removal of Commission Member

- A. Whenever a commission member has been absent from three (3) consecutive regular meetings, or absent from four (4) or more regular meetings in any twelve (12) month period, the Board of Supervisors shall inquire of the Commission Chair if there has been any mitigating circumstance that indicates the member’s attendance will improve in the future. In the absences of such an indication, the Board, in its discretion, may request the

resignation of the member or may remove the member in accordance with Code of Virginia §15.2-2212.

- B. A commission member may be removed by the Board of Supervisors for malfeasance of office in accordance with Code of Virginia §15.2-2212.

Article 8 – Electronic Meeting Participation

- A. Pursuant to Code of Virginia §2.2-3708.3, the following procedures are established for members of the Clarke County Planning Commission (the “Commission”) to participate electronically in Commission meetings, and in meetings of the Commission’s standing and special committees, from remote locations for reasons specified as follows:

1. Such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member’s physical attendance.
2. Such member has a family member with a medical condition that requires the member to provide care which prevents the member’s physical attendance.
3. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subsection is limited each calendar year to two meetings, or 25% of the Commission’s meetings held that calendar year rounded up to the next whole number, whichever is greater. The 25% shall be determined based on the total number of meetings held as of the date that the member requests to participate electronically for personal reasons. Electronic meeting participation for personal reasons shall be calculated separately for the Commission’s committees.

- B. Procedures for authorizing electronic participation in a meeting.

1. Electronic participation in a meeting shall only be permitted if a quorum of the Commission, or a quorum of the standing or special committee, is physically assembled at the designated meeting location.
2. Commission meetings. Any member requesting to participate electronically in a Commission meeting shall notify the Chair of the Commission of the reason for electronic participation as specified in Subsection 1 above, on or before the day of the meeting. The Chair of the Commission shall determine whether the request for electronic participation complies with the provisions of Subsection 1 above and shall either approve or disapprove the request.
3. Standing or special committee meetings. Any member requesting to participate electronically in a standing or special committee meeting shall notify the committee chair of the reason for electronic participation as specified in

Subsection 1 above, on or before the day of the meeting. The committee chair shall determine whether the request for electronic participation complies with the provisions of Subsection 1 above and shall either approve or disapprove the request. In the event that the standing or special committee does not have a chair, the Chair of the Commission shall be notified of the request and shall determine whether to approve or disapprove the request.

4. If electronic participation is approved, the Clerk of the Commission shall record in the meeting minutes the remote location from which the member participated. The meeting minutes shall also indicate the reason for the member's electronic participation as described in Subsection 1 above.
5. If electronic participation is disapproved, the reason for such disapproval shall be recorded in the minutes with specificity.
6. For any electronic participation, arrangements shall be made to ensure that the voice of the member participating electronically may be heard by all persons in the designated meeting location.

Article 9 – Operating Policies

A. Conditional Approval Policy

The Planning Commission may, at its sole discretion, grant or recommend conditional approval of an application due to unresolved administrative issues provided that the following items are met:

1. The issue has been informally resolved and only requires final written submission by the applicant and confirmation by Planning Staff and/or the applicable review agency.
2. The issue is reasonably expected to be resolved fully within the next 21 days or finalizing of the Planning Commission's next meeting agenda, whichever is sooner.
3. The issue is not one that, in the Commission's opinion, warrants continuance of a public hearing (if applicable).

An administrative issue is one that requires verification of compliance with a technical requirement or requirements and involves no subjective interpretation by Planning Staff or the review agency.

B. Conflicts of Interest Process

The following process is established for commissioners who may have a conflict of interest per the Code of Virginia on a matter coming before the Commission or any of its committees.

1. A commissioner shall notify the Director of Planning as soon as a conflict of interest in a matter coming before the Commission is suspected. The Director will advise the commissioner whether there is an actual conflict of interest and may consult the County Attorney if necessary.
2. If there is a conflict of interest, a statement of disqualification will be prepared for the commissioner to read at the Commission's first public meeting at which the matter will be considered. The commissioner shall also notify the Chair of the conflict prior to the meeting at which the statement of disqualification is read.
3. Once the commissioner has read the statement of disqualification, they are prohibited from participating in all deliberations of the case. The commissioner may remain seated with the Commission or may choose to sit in the audience at their discretion during deliberations.