

Issue Analysis Form



Date: January 24, 2023
Resolution to amend the Board of Supervisors By-Laws

Item:

Lead Department(s): County Attorney

Contact Person(s): Dan Whitten

Description and Current Status

The Board previously discussed the by-laws on January 10, 2023, and additional changes were requested at the meeting.

Section 1A has been amended to state the organizational meeting shall be the first business day of the calendar year.

Section 3E has also been added to the by-laws. This section addresses when a Board member meets with the County Attorney which requires notification of such meeting to other Board members.

In addition, the by-laws of the Board of Supervisors currently reference Virginia Code Section 2.2-3708.2 under Participation by Electronic Communication Means, Sec. 4. As of September 1, 2022, this Code Section is only applicable when there is a declared state of emergency. Virginia Code Section 2.2-3708.3 has been added to address participation by electronic communication means. The by-laws will be amended to reference the correct Virginia Code Section and will now allow a member to participate by electronic communication if the member's principal residence is more than 60 miles from the meeting location identified in the required notice for the meeting.

Furthermore, the by-laws will be amended to reflect the requirements for meetings held through electronic communication during declared states of emergency and that the provisions of this section are only applicable during the emergency.

A draft copy of the by-laws are attached for consideration; a motion approving a Resolution adopting the amended by-laws is requested.

Sample Motion: I move that the Board approve the resolution adopting the amended by-laws of the Board of Supervisors.

Government Path

- Does this require IDA action? Yes No
- Does this require BZA action? Yes No
- Does This require Planning Commission Action? Yes No
- Does this require Board of Supervisors action? Yes No
- Does this require a public hearing? Yes No
- If so, before what date? Yes No

Fiscal Impact Statement

County Impact

Notes

Board of Supervisors
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia, this 24th day of January, 2023:

Present:

Vote:

Donald Hunter, Chairman
T. J. Webb, Vice-Chairman
Floyd M. Brown, Jr.
Alan R. Carmichael
Marlene J. Waymack

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On motion of _____, seconded by _____, which carried unanimously, the following Resolution was adopted:

RESOLUTION TO AMEND THE BOARD OF SUPERVISORS BY-LAWS

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Prince George this 24th day of January, 2023, does hereby adopt the attached amended By-Laws of the Board of Supervisors of the County of Prince George.

A Copy Teste:

Jeffrey D. Stoke
County Administrator

**2023 BY-LAWS AND RULES OF PROCEDURE OF
THE BOARD OF SUPERVISORS**

BE IT RESOLVED by the Board of Supervisors of the County of Prince George, Virginia, that the following by-laws and rules of procedure shall govern the conduct of meetings of the Board of Supervisors during the 2023 calendar year.

OFFICERS

Sec. 1A At the ~~first~~ **organizational** meeting, **which shall be the first business day** of the calendar year, the Board shall elect a chairman and vice-chairman for one-year terms. Such terms shall end at midnight on December 31st. The chairman or, in his absence, the vice-chairman, shall act as presiding officer. In the absence of the chairman and vice-chairman, the longest serving Board member, alphabetically, shall serve as chairman. The Board shall make every effort for representation from both District 1 and District 2 for the positions of chairman and vice-chairman. The positions of chairman and vice-chairman shall rotate annually based on seniority. If two Board members have the same seniority, the position shall be based on alphabetical order by comparing the Board members' last names. If a Board member that is next in line declines the position, the position of chairman or vice-chairman shall rotate to the next Board member based on seniority.

Sec. 1B The presiding officer shall preserve order and decorum. The chairman may speak, make motions and vote on all questions, and the chairman shall decide questions of order and procedure. On any motion made or seconded by the chairman, the chairman shall relinquish chairmanship to the vice-chairman for that motion, and all other Board members shall have a chance to speak to the motion before the chairman addresses the

matter. The chairman may allow the public to speak to any agenda item. The chairman may set reasonable time limits for speakers and for public hearings.

Sec. 1C All Board members shall communicate only in their individual capacity as an elected official and shall not represent that any communication is on behalf of the entire Board or the County unless the matter has been discussed by the Board, and the Board member has been designated to communicate on behalf of the Board of Supervisors.

Sec. 1D In accordance with § 2.2-3711, Code of Virginia, 1950, as amended, all proposed appointees to Boards, Commissions, Committees, Authorities or similar bodies shall be discussed in closed session prior to being acted upon by the Board.

PARLIMENTARIAN AND SERGEANT-AT-ARMS

Sec. 2A The County Attorney, or his designee, shall act as parliamentarian to the Board, and his rulings on parliamentary procedure and the application of the by-laws shall be final.

Sec. 2B The Board's Parliamentary Procedures shall be Robert's Rules of Order, Newly Revised, 12th Edition, in all matters not covered by the Board's bylaws, to the extent compatible with law and the historical practices of the Board.

Sec. 2C The Chief of Police and the Sheriff shall serve as Sergeant at Arms.

MEETINGS

Sec. 3A At the first **organizational** meeting ~~in January~~, the Board shall set the regular meeting times and dates for the following year, provided that the Board shall meet at least once each month. The chairman may cancel any meeting because of inclement weather and shall reschedule any cancelled meeting at the earliest possible date by sending written notice to each member of the Board.

Sec. 3B Special meetings of the Board may be called by two members of the Board or the chairman in accordance with §§ 15.2-1417 and 15.2-1418 of the Code of Virginia (1950), as amended. Upon making such request, the clerk shall specify the matters to be considered and shall immediately notify in writing all members of the Board and the County Attorney. The meeting may be held within five days of the request only if waivers are signed by every member of the Board and the County Attorney, or if every member and the County Attorney attend the special meeting. The order of business at a special meeting shall follow that of a regular meeting to the greatest extent possible. The clerk shall notify the media of the time and place of such meeting and the matters to be considered.

Sec. 3C Closed sessions shall be held in accordance with the provisions of the Virginia Freedom of Information Act, § 2.2-3700 et seq. Code of Virginia (1950), as amended. Board members recognize the necessity to maintain confidentiality as to all matters discussed in closed session.

Sec. 3D If any Board member meets with staff, the substantive content of such meeting shall be communicated to the entire Board in a timely manner by the County Administrator or his/her designee.

Sec. 3E **If any Board member meets with the County Attorney, the substantive content of such meeting shall be communicated to the entire Board in a timely manner by the County Attorney unless the meeting involves a legal question regarding the Virginia Conflict of Interests Act, § 2.2-3100 et seq. Code of Virginia (1950), as amended.**

PARTICIPATION BY ELECTRONIC COMMUNICATION MEANS

Sec. 4 The Board of Supervisors may conduct any meeting where in the public business is discussed or transacted through electronic communication means as provided in Code of Virginia § ~~2.2-3708.2~~ **2.2-3708.3** (1950), as amended, subject to the following requirements:

- a. A member of the Board must notify the chairman that the member is unable to attend the meeting due to either (a) a temporary or permanent disability or other medical condition that prevents the member's physical attendance; (b) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; **(c) the member's principal residence is more than 60 miles from the meeting location identified in the required notice for the meeting;** or (d) a personal matter and the member identifies with the specificity the nature of the personal matter. Participation by a member due to a personal matter is limited to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. For the purposes of this section, whether a gathering of the Board constitutes a meeting shall be determined by the notice that is statutorily required by the Virginia Freedom of Information Act.
- b. A quorum of the Board must be physically assembled at one primary or central meeting location.
- c. The Board must make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

- d. The Board shall record in its minutes the remote location from which the member participated, but the location does not have to be open to the public.
- e. The Board shall record in its minutes that the member participated through electronic communications due to either (a) a temporary or permanent disability or other medical condition; (b) a family member's medical condition that required the member to provide care for such family member; **(c) the distance between the Director's principal residence and the meeting location;** or (d) a personal matter and the minutes shall include the specific nature of the personal matter.
- f. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.
- g. The policy shall be applied strictly and uniformly, without exception, to the entire membership 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.

**MEETINGS HELD THROUGH ELECTRONIC COMMUNICATION DURING
DECLARED STATES OF EMERGENCY**

Sec. 5A. In accordance with the Code of Virginia § 2.2-3708.2, the Board may meet by electronic communication means without a quorum of the Board physically assembled at one location when either the Governor has declared a state of emergency pursuant to Virginia Code § 44-146.17 (1950), as amended, or Prince George County has declared a local state of emergency pursuant to Virginia Code § 44-146.21 (1950), as amended,

provided that (a) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and (b) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The Board convening such a meeting shall **meet the following requirements:**

- (i) give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Board;
- (ii) make arrangements for public access to the meeting through electronic communication means, including videoconferencing;
- (iii) provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and
- (iv) otherwise comply with the provisions of Virginia Code Title 2.2 Chapter 37 (1950), as amended.

Sec 5B. The nature of the emergency, the fact the meeting was held by electronic communication means, and the type of electronic communications means by which the meeting was held shall be stated in the minutes.

Sec 5C. The provisions of this section shall be applicable only for the duration of the emergency.

VOTING

Sec. 6A A quorum shall consist of at least three members of the Board. A majority of a quorum shall be sufficient to carry any question except tax issues, the incurring of debt and appropriations in excess of \$500, all of which shall require a majority of the full Board for adoption. No Board member is required to vote on any question, but an abstention, although not a vote in favor of carrying a question, shall be counted as a vote for the purpose of determining a quorum. If a Board member abstains from voting, the Board member shall provide a reason for abstaining. A tie vote shall defeat the motion, resolution or issue voted on, provided that all zoning cases must be disposed of by a motion approved by a majority of those voting. In the event that a tie vote occurs when a member of the Board is absent, the matter is automatically added to the Board's next meeting agenda, at which time a vote will be taken on the original motion. An abstention is considered a vote for all purposes and defeats a motion requiring a unanimous vote. The Board shall not designate a tiebreaker pursuant to § 15.2-1421 of the Code of Virginia (1950), as amended.

Sec. 6B Any vote by a Board member is final once cast. No ordinance, resolution or motion previously voted upon by the Board shall be brought forward for reconsideration during the same meeting of the Board and shall be final unless changed by the Board at a subsequent meeting in accordance with applicable law.

Sec. 6C If the maker of a motion and the member seconding the motion agree, a motion may be amended or withdrawn. Only one substitute motion shall be in order for a main motion. All motions to postpone shall be to a date certain. Prior to voting on a motion to postpone or remand, the Board shall hear public comment if a public hearing was scheduled for the item.

AGENDA

Sec. 7A The County Administrator shall prepare an agenda in consultation with the chairman and vice-chairman prior to a regular meeting; provided that any item shall be placed on the agenda by an informal consensus of three or more Board members provided that every Board member is informally polled by the County Administrator. Any item can be removed from the agenda by an informal consensus of three or more Board members provided that every Board member is informally polled by the County Administrator. The agenda shall be available to Board members no later than five calendar days prior to a regular meeting. The agenda shall be available for public inspection in the County Administrator's office.

Sec. 7B No matter on the scheduled agenda shall be considered after 11:00 p.m. without the unanimous consent of the Board. Any matter not heard shall be automatically continued to the next appropriate scheduled meeting of the Board.

ORDER OF BUSINESS

Sec. 8A The order of business at a regular meeting shall be as follows:

- a. Call to order.
- b. Invocation.
- c. Pledge of Allegiance.
- d. Public comment period.
- e. Adoption of agenda including requests to postpone actions, additions, deletions or changes in the order of presentation for any agenda item.
- f. Order of consensus ("consent agenda") with the first item being approval of the minutes from the previous meeting. Reading of the minutes shall be automatically dispensed with. The Board may only correct minutes after approval upon a showing that a clerical or administrative mistake was made.

- g. Presentation of Commendations.
- h. Reports.
- i. Supervisors' comments.
- j. County administrator's comments.
- k. County business not requiring a public hearing; including appointments. Postponed items shall be considered first. All appointments shall be made by vote of a majority of the full Board.
- l. Public hearings.
- m. Adjournment.

The County Administrator shall schedule closed sessions as appropriate.

Sec. 8B The consent agenda shall be considered by the Board as a single item requiring one motion and one vote. There shall be no debate regarding individual items on the consent agenda. Any Board member may remove an item from the consent agenda for comment by the Board prior to the vote. Any item removed shall be voted on separately after voting on the consent agenda.

PUBLIC COMMENT

Sec. 9A Those persons wishing to speak during the public comment period will be asked to sign in with the clerk and to limit their remarks to the time limit determined by the chairman. A speaker, when recognized by the chairman, shall stand and state his or her full name, place of residence and group affiliation, if any, before proceeding.

Sec. 9B Written comments submitted to the clerk of the Board will be included as part of the Board packet, if possible.

Sec. 9C Public comment period is for citizens to address the Board about any issue not listed for a public hearing on the agenda for the meeting. It is not intended to be a

question and answer period or for interchange between the Board and the speaker. Comments must be germane to the services or practices of the County. The chairman may require speakers to confine their remarks to a set time limit. The chairman may direct appropriate staff to later respond to any questions posed by the speaker.

Sec. 9D Persons speaking before the Board will not be allowed to:

- a. Campaign for public office;
- b. Promote private business ventures;
- c. Use profanity or vulgar language;
- d. Engage in personal attacks or insults; or
- e. Address pending litigation.

Sec. 9E Speakers will not be permitted to use audiovisual materials or other visual displays, but may present written and photographic materials to the Board members.

PUBLIC HEARINGS

Sec. 10 At every public hearing, individuals who wish to speak shall sign in using a sheet made available by the Clerk prior to the opening of the public hearing. The order of business for public hearings shall be as follows:

- a. The chairman shall request the appropriate County staff member to describe the subject of the public hearing.
- b. Any applicant for an item that is the subject of the public hearing shall then be allowed a period of time to present detailed information about the issue or application. The chairman shall determine the time allotted for the presentation by the applicant.
- c. At the conclusion of the applicant's presentation, the members of the Board

shall be allowed to ask questions of the applicant and staff to clarify anything that has been presented.

- d. The chairman shall officially open the public hearing, and members of the public shall then be allowed to speak in the order in which they registered with the clerk.
- e. After all registrants from the clerk's list have spoken, additional individuals may speak.
- f. Speakers shall come to the podium and give their name and address before addressing the Board.
- g. Speakers are requested to keep their comments within the time set by the chairman, and the comments shall be relevant to the subject of the public hearing.
- h. Each member of the public may speak once at the hearing.
- i. Speakers will not be permitted to use audiovisual materials or other visual displays, but may present written and photographic materials to the Board members.
- j. If at any time during the public hearing, a member of the public has a question, the written question may be presented to the clerk.
- k. After the chairman closes the public hearing, no further public comments are in order.
- l. After chairman closes the public hearing, the applicant will be granted a period of time set by the chairman to respond to what has been said by the public. The applicant will use this time only to respond to comments which have been

made during the public hearing.

- m. When the applicant has completed their response to the public comments, the chairman will read any questions submitted by a member of the public and request a response from the appropriate party.
- n. The chairman, with approval of the Board, has the authority to vary the guidelines as necessary.

ZONING

Sec. 11A All zoning cases, (including all forms of conditional zoning, special exceptions and substantial accord determinations) shall be considered and voted on by the Board within the time limits prescribed by the Code of Virginia after consideration and recommendation of the Planning Commission.

Sec. 11B Without further action by the Board, all rezoning applications (including all forms of conditional zoning, special exceptions and substantial accord determinations) are automatically referred to the Planning Commission for its recommendation upon completion of a zoning application with the Planning Department.

COMMITTEES

Sec. 12A The Board shall have the power to appoint such committees as the Board deems advisable. Said committees shall act in an advisory role and shall have the power to recommend a course of conduct to the Board.

Sec. 12B The Board may appoint a Budget Committee to review the County budget on an annual basis. The Budget Committee will consist of two (2) members of the public, one (1) residing in District 1 and one (1) residing in District 2. The Budget Committee will also consist of the County Administrator and all Deputy County Administrators. The Board

will appoint the citizen members of the Budget Committee for a term that runs from July 1 to June 30 of each fiscal year. The Budget Committee will present recommended changes to the annual budget to the entire Board. The actions of the Budget Committee shall in no way bind the Board.

Sec. 12C All Board-appointed committees shall give notice of the date, time and location of any committee meeting with at least two (2) days' notice prior to the meeting. The notice shall be emailed to the Board members, posted on the County website and placed in a prominent public location at which notices are regularly posted. The committees shall not be required to present an agenda or take minutes of the meeting.

USE OF CAMERAS AND RECORDING DEVICES AT BOARD MEETINGS

Sec. 13 Cameras and recording devices may be used in a non-disruptive way in the meeting room, provided however, that any placement of such equipment in or around the Board of Supervisors' tables shall be first approved by the clerk. Such devices shall be turned off or removed during any closed session.

SUSPENSION OR AMENDMENT OF BY-LAWS AND RULES OF PROCEDURE

Sec. 14A These by-laws and rules of procedure shall be approved annually at the organizational meeting by a majority of the full Board and may be amended at the organizational meeting by a majority of the full Board. If the consideration of the by-laws and rules of procedures is postponed to a regular meeting, the by-laws and rules of procedure may be amended by a majority of the full Board.

Sec. 14B After these by-laws and rules of procedure are adopted annually, they may be suspended for an individual agenda item by a unanimous vote of the full Board.

Sec 14C These by-laws and rules of procedure may be amended for the remainder of any calendar year by a unanimous vote of the full Board.

ETHICS

Sec. 15 The Board of Supervisors will reference The Ethical GPS Navigating
Everyday Dilemmas, VML for guidance on ethical service by elected officials.

A Copy Teste:

Jeffrey D. Stoke,
County Administrator

Revised January 24, 2023