

Caroline County Board of Supervisors Agenda Executive Summary

Meeting Date: February 12, 2019

Title: New Business – Proposed Amendments to 2019 Board of Supervisors Bylaws and Rules of Procedure and Board of Supervisors Appointments

(Check Mark)

<input type="checkbox"/> Consent	<input type="checkbox"/> Closed Meeting
<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> No Action (Information Only)	<input type="checkbox"/> Ordinance
<input type="checkbox"/> Resolution	<input type="checkbox"/> PowerPoint Presentation

Background: As indicated in her opening Board comments during the January 8th Board of Supervisors meeting, Port Royal District Supervisor Nancy Long is proposing minor changes to the 2019 Board of Supervisors Bylaws and Rules of Procedure (hereinafter referred to as the “bylaws”) and Board of Supervisors appointments. Following additional review of the bylaws, staff and County Attorney Ben Emerson have identified other proposed changes.

The proposed changes can be summarized as follows:

Section 2-1 When and Where Regular Meetings Held

Section 2-1 A. Removes narrative description of when meetings are held (second Tuesday, etc.) and makes reference instead to attached meeting schedule.

Section 2-1 C. This section describes how meetings that fall on a legal holiday will be rescheduled. Language changed by County Attorney to conform to Virginia Code.

Section 4-2 Public Comment

Section 4-2 8. Change suggested by staff and the County Attorney would prevent comments during the public comment period on matters for which a public hearing is intended to be scheduled within the next 60 days. There have been past instances in which citizens have spoken under public comments about a zoning case prior to a scheduled public hearing for the same matter.

The proposed change is to prevent the possibility that allowing comments on a pending zoning case or ordinance outside of the legally advertised public hearing could be construed as an illegal public hearing.

Section 5-2 Readings Required

A change is proposed to the readings required for new or amended ordinances under Section 5-2 of the bylaws. The current bylaws specify that a first (initial), second (which includes the public hearing) and final reading are required prior to approving an ordinance amendment. By vote of a majority of the Board members, the rules may be suspended to waive the final reading and approve the ordinance amendment following the public hearing (second reading).

The change proposed by Mrs. Long would eliminate the automatic third and final reading since the Board approves ordinance amendments following the public hearing (second reading) almost without exception. Under the new language, ordinance amendments will be placed back on the agenda for a third reading at a future meeting following the second reading/public hearing only by vote of the majority of the Board. Absent this vote, the Board will continue to approve the ordinance or amendment following the public hearing.

A copy of the proposed amendments is attached.

Board of Supervisors Appointments

Mrs. Long proposes to add the FAMPO Policy Committee (two non-voting members) to the list of appointments the Board makes for one or more of its members to serve on boards and commissions. As proposed, the same two members appointed to represent the Board on the George Washington Regional Commission would represent the Board on the FAMPO Policy Committee.

Mrs. Long has also asked that the Fort A.P. Hill Executive Steering Committee be added to the list of Board appointments. Mrs. Long served in this capacity in 2018.

Budget Impact: N/A

Requested Action(s) of Board: 1) Discuss proposed changes and direct staff;
2) Officially appoint Board members to serve on the FAMPO Policy Committee
and Fort A.P. Hill Executive Steering Committee

Caroline County Board of Supervisors

2019 By-Laws and Rules of Procedure

Section 1 – Purpose and Basic Principles

The purpose of these By-Laws and Rules of Procedure is to promote the orderly and efficient conduct of meetings of the Board of Supervisors.

Section 2 – Meetings

Section 2-1 When and Where Regular Meetings Held

- A. The time and place of regular meetings of the Board of Supervisors shall be established at each annual organizational meeting in January.

Unless otherwise rescheduled as provided for herein, regular meetings shall be held in the auditorium of the Caroline County Community Services Center **in accordance with the attached schedule (Attachment A)** ~~on the second and fourth Tuesdays of the month at 6:00 p.m. during odd-numbered months and on the second Tuesday of the month at 6:00 p.m. during even-numbered months.~~

- B. The Board will attempt to complete all items of business at its organizational and regular meetings by 10:00 p.m. The Board may recess such meetings from day to day, or time to time or from place to place, and continue not beyond the time fixed for the next regular meeting, until the business before the Board is complete.
- C. If the organizational or any regular meeting day falls on a legal holiday, the meeting ~~may~~ shall be held on the next following regular business day ~~or unless~~ rescheduled as determined by the Board at the organizational meeting or any regular or special meeting prior to the holiday.

If rescheduled other than at the organizational meeting, public notice shall be given pursuant to Section 15.2-1418 of as required by applicable provisions of the Code of Virginia, 1950, as amended (the "Virginia Code").

- D. Special meetings of the Board may be approved and scheduled, or a called special meeting conducted by the Board pursuant to Sections 15.2 – 1417 and 15.2-1418 of the Virginia Code or other applicable law.

Special meetings may also be scheduled or called for specific purposes, including but not limited to, the following:

Section 2-2.1 Procedure for Election of Officers

- A. The following procedures shall be followed to elect the Chair and Vice-Chair:
1. The presiding officer shall call for nominations from the membership.
 2. Any member, after being recognized by the presiding officer, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominees.
 3. When all nominations have been made, the presiding officer shall close the nominating process and call for the vote.
 4. The presiding officer shall call the name of each nominee in the order nominated and tally the respective votes.
 5. Each member may cast one vote for any one nominee.
 6. The majority vote of those present and voting shall be required to elect the officer.
- B. Officers shall serve until their successor has been elected.
- C. No member shall serve as Chair or Vice Chair for more than two consecutive years.

Section 2-3 Closed Session

- A. No meeting shall become a closed session until the Board takes an affirmative record vote in open meeting and otherwise complies with the requirements of the Virginia Code regarding closed meetings. Any member dissenting in such vote shall state the reason for the dissent.
- B. Members may request the assistance of the County Attorney when making additions to the published closed session agenda.
- C. The Board may permit non-members to attend a closed session if their presence will reasonably aid the Board in its consideration of an issue.

C. Approval of additions to the agenda requires a majority vote of the Board members present.

Section 4-2 Public Comment

At each regular meeting of the Board of Supervisors, the Board shall set aside time for a public comment period. The amount of time set aside for public comment is subject to the discretion of the Board and may vary from meeting to meeting. Public comment shall be governed by the following rules:

1. The public comment period shall be for the purpose of allowing members of the public to speak to the Board on any matter which, in their opinion, deserves the attention of the Board.

To help the Board preserve decorum and conduct the meeting in an efficient and responsible manner, citizens shall refrain from clapping or other public demonstrations of support or opposition.

The public comment period shall not serve as a forum for debate with the Board or a question and answer period with the Board.

2. Remarks shall be addressed only to the Board and not to staff, the audience, or the media. All public comments shall be made in a respectful manner. Cursing and antagonistic behavior are prohibited and shall be grounds for removal from the meeting

Comments should focus on matters or issues before the Board or County and not individual Board members or staff. Comments which single out an individual Board member or staff may be ruled out of order by the Chair.

3. The Chair shall open the public comment period.
4. The Chairman or Clerk will explain the public comment policy and will invite individuals to come to the podium to speak one at a time. The Chair may require persons wishing to speak to sign up in advance of the start of the public comment period.
5. Each speaker shall clearly state his or her name and voting district.
6. There shall be a time limit for each individual speaker of three (3) minutes. No speaker shall address the Board more than once during the public comment period at any single Board meeting.
7. The Clerk will time the speakers and notify them when their time has expired.

Section 4-5 Motions

- A. Members are required to obtain the floor before making motions or speaking.
- B. Motions must be seconded before a vote on the motion may be taken by the Board.
- C. Informal discussion of a subject is permitted while no motion is pending.
- D. A substitute motion shall be allowed to any motion on the floor; it shall have precedence over an existing motion and may be discussed prior to being voted on.

If the substitute motion fails, the former motion can then be voted on. If the substitute motion passes, it shall be deemed the main motion and shall stand as having been passed by such vote.

If a substitute motion fails, a second substitute motion may be made.

- E. The Chair can speak in discussion without leaving the chair and can make motions and vote on all questions.
- F. When a vote upon 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 shall be made no later than the next scheduled meeting of the Board.

Such motion for reconsideration shall be decided by a majority of the votes of the members present. A member present at the meeting but temporarily absent during a vote may move for reconsideration no later than the next scheduled meeting of the Board.

Section 4-6 Decisions of Points of Order

The Chair, when presiding at a meeting of the Board, shall without vacating the chair refer any point of order to the Parliamentarian. The Parliamentarian shall advise the Chair who shall then make a ruling on the point of order.

A Board member may appeal the ruling of the Chair to the full Board which shall then decide the matter by a majority vote.

Section 4-7 Motion to Adjourn

At a meeting of the Board, a motion to adjourn shall always be in order.

Section 4-8 Suspending Rules

Section 5-3 Hearing Presentations

Hearings may begin with a brief presentation from a staff member. The presentation shall summarize the facts about the issue. Board members may seek clarification during the presentation.

Section 5-4 Order of Public Hearings

- A. The Chair shall open the public hearing.
- B. In zoning cases, the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant for his or her representative's presentation.
- C. The Chair shall then solicit comments from the public. Each speaker must clearly state his or her name and district. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes.

The Board, by unanimous consent, may allow any speaker to proceed past the time limit.
- D. Members of the Board of Supervisors shall not read letters from the public as part of the public hearing process.
- E. After public comments have been received in a zoning case, the applicant, or his or her representative, may respond with a rebuttal. There shall be a five (5) minute time for rebuttal.
- F. Upon the conclusion of public comments or the applicant's rebuttal in a zoning case, the Chair shall close the public hearing.

Section 6-2 Tabled Land Use Cases

A. Tabled land use cases shall be handled as follows:

1. At a Board Meeting

- (a) At any Board meeting a member can make a motion to place the case on the agenda for a future meeting. Upon approval by a majority vote of the members present and voting, the case will be placed on the agenda.
- (b) The Clerk will include the case on the agenda published on the county website prior to the meeting date and will cause the case history to be included in the Board packet.

The case can be discussed and voted on at that meeting.

2. Immediate Action Without Additional Notice

At any Board meeting a member can make a motion to take the matter off the table to be voted on. Upon a vote of two-thirds of the Board members present and voting, the case will be taken off the table.

If taken off the table, the case can be discussed and voted on at that meeting.

Section 6-3 Delivery of Agenda and Board Packet

The Board packet, including the agenda and related materials, shall be received by each member of the Board and the County Attorney no later the Thursday prior to the Tuesday Board meeting.

With the concurrence of the Board, amendments to the agenda and related materials may be delivered to the Board on Monday prior to the Tuesday Board meeting.

Section 6-4 Copies of the Agenda

The Clerk shall prepare or cause to be prepared extra copies of the agenda and shall make the same available to the public and the press in the Office of the County Administrator.

The Clerk shall also have copies available at each meeting.

Section 6-5 Comments, Queries of Board Members

Board members shall observe the following rules during the discussion of agenda items:

Section 8 – Miscellaneous

Section 8-1 Citizens Contacting Board Members

Members of the Board who are contacted concerning County business by a citizen living in an election district other than the district the Board member represents, should recommend that the citizen contact his or her respective Board member and should further advise the Board member in whose election district the citizen resides or owns property of the purpose of the contact.

Section 8-2 Actions by Individual Members of the Board

It shall be the policy of the Board that no one member shall exert individual action or direct any county employee or initiate any action that would require a county employee to perform any action contrary to the laws, ordinances or policies of Caroline County or which would require the expenditure of public funds in any amount without the approval of the Board.

Section 8-3 Numbering and Indexing of Resolutions, Ordinances and Proclamations

It shall be the responsibility of the Clerk to number and index all resolutions, ordinances and proclamations of the Board. The resolutions shall be numbered consecutively and use the last two digits of the calendar year. Proclamations shall also be numbered consecutively.

Section 8-4 Minutes of Board Meetings

The minutes of Board meetings shall reflect the official acts of the Board and names of the public commenting during public hearings. They shall reflect the issues discussed and Board comments.

Minutes shall be considered for approval within thirty (30) days of the meeting they record.

Section 8-5 Amending By-Laws

At any meeting of the Board at which a quorum is present, these By-laws and Rules of Procedure may be amended or deviated from with the concurrence of a majority of the members present at such meeting.

Section 8-6 Virginia Code

These By-laws and Rules of Procedure are subject to the Virginia Code and case law established under the judicial system of the Commonwealth of Virginia and shall be interpreted in accordance with such law. In the event of any conflict