

RULES OF PROCEDURE
 GLOUCESTER COUNTY BOARD OF SUPERVISORS

ARTICLE I - MEETINGS

Section 1-1. Annual Organizational Meeting; Schedule of Regular Meetings and Work Sessions

On the first Tuesday of January of each year, or on such other date in the month of January as it may designate, the Board shall assemble at the Colonial Courthouse, 6504 Main Street, Gloucester, Virginia, or such other public place as it may designate, in regular session, and conduct its Annual Organizational Meeting. During the course of such meeting, the Board shall fix the date, time, and place of all of its regular meetings and work sessions during the ensuing calendar year. Should the Board subsequently change the date, place, or time of regular meetings it shall comply with the requirements of Section 15.2-1416 of the Code of Virginia, as amended.

Any scheduled meeting, without further public notice, may be adjourned from day to day, from time to time, or from place to place, not beyond the time fixed for the next regular meeting until the business of the Board is concluded.

Section 1-2. Cancellation of Meetings

Should the Chair declare that weather or other conditions make it hazardous for members to attend any scheduled meeting, unless the Chair cancels the meeting, it shall be postponed to the next work day. All hearings and other matters previously advertised shall be conducted at the postponed meeting, and no further advertisement is required. Work sessions may be cancelled by the Chair in the absence of substantive agenda items, with routine matters (such as approval of minutes) being carried forward to the next regular meeting agenda.

Section 1-3. Special Meetings

The Board of Supervisors may hold such special meetings as it deems necessary and at such times and places as it may find convenient. A special meeting shall be called pursuant to the requirements imposed by Section 15.2-1418 of the Code of Virginia, as amended. In addition, the Board may adjourn its special meetings from time to time as it may find convenient or necessary.

Section 1-4. Quorum and Method of Voting

At any meeting, a majority of the Supervisors shall constitute a quorum. All questions submitted to the Board for decision shall be determined by voice vote of a majority of the Supervisors present and voting on any such question, unless otherwise provided by law. The name of each member voting and how he or she voted must be recorded.

The Board of Supervisors has elected not to have a tiebreaker, as provided by the Code of Virginia, as amended, and a tie vote on any question shall defeat it.

Section 1-5. Procedure for Roll Call Vote

The vote on all matters before the Board shall be by roll call vote, except for the votes concerning the Approval of the Minutes, Adoption of the Agenda, Approval of the Consent Agenda, Board Appointments, and Adjournment. For all roll call votes, the Clerk or Deputy Clerk shall call the name of each member and receive in reply the vote of such member either as "Yes" or "No" on the measure being considered. The order in which the names of the members are called shall be varied and rotated by the Clerk or Deputy Clerk at his or her discretion.

Section 1-6. Board to Sit with Open Doors

The Board of Supervisors shall sit with open doors, and all persons conducting themselves in an orderly manner may attend the meetings. However, the Board may hold closed meetings as permitted by law.

Section 1-7. Closed Meetings

Closed meetings may be placed on the agenda or may be requested by any member of the Board. However, no closed meeting shall be convened unless and until the Board has favorably acted on a motion to so convene, and, then, only if such motion accurately states a lawful reason for such closed meeting as permitted by and outlined in Section 2.2-3711 of the Code of Virginia, 1950, as amended.

Closed meetings 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 shall maintain confidentiality as to all matters discussed in closed meeting.

ARTICLE II - OFFICERS

Section 2-1. Chair and Vice Chair

At the annual meeting of the Board of Supervisors the Board shall elect from its membership a Chair and a Vice Chair, each of whom shall serve for a term which will expire on December 31st of the same year in which elected, or, until their respective successors shall have been elected. In the event that the Chair and Vice Chair are absent from any meeting of the Board, then, the members present at such meeting shall choose one of their number as temporary Chair by majority vote of the members present and voting. In the absence of the Chair, the Vice-Chair shall assume responsibilities assigned to the Chair.

Section 2-2. Chair May Administer Oath

The Chair, as provided in Section 15.2-1410 of the Code of Virginia, 1950, as amended, shall have the power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers or duties.

Section 2-3. Clerk

The Clerk of the Board shall be the County Administrator, whose duties and responsibilities as Clerk shall be as specified in Section 15.2-1539 of the Code of Virginia, 1950, as amended, or as delegated by the Board. At the discretion of the Board, any County employee can be designated as Deputy Clerk or Temporary Clerk.

Section 2-4. Parliamentarian

The County Attorney shall serve as the Parliamentarian for the Board at all of its meetings.

Section 2-5. Sergeant at Arms

The Sheriff of Gloucester County or his designee(s) shall serve as Sergeant at Arms at all regular Board meetings. As circumstances may require in the Sheriff's judgment and in consultation with the Board Chair and/or the County Administrator, the Sheriff may impose such security measures as he deems appropriate and lawful in order to protect the safety of the Board, the staff, and the public and to ensure the conduct of the public business at the Board meeting.

ARTICLE III - CONDUCT OF BUSINESS

Section 3-1. Order of Business

At regular meetings of the Board, the order of business shall be as follows:

- I. Call to Order & Roll Call
- II. Invocation & Pledge of Allegiance
- III. Approval of the Minutes
- IV. Adoption of the Agenda
- V. Approval of the Consent Agenda
- VI. Matters Presented by the Board
- VII. County Administrator Items
- VIII. Scheduled Presentations (when required)
- IX. Public Comment Period
- X. Public Hearings (when required)
- XI. Regular Agenda
- XII. County Attorney Items
- XIII. Boards and Commissions Reports
- XIV. Supervisors Discussion
- XV. Closed Meeting (when required)
- XVI. Adjournment

At meetings of the Board designated as work sessions, the order of business shall be as follows:

- I. Call to Order & Roll Call
- II. Invocation & Pledge of Allegiance
- III. Approval of the Minutes
- IV. Adoption of the Agenda
- V. Approval of the Consent Agenda (if presented)
- VI. Matters Presented by the Board
- VII. County Administrator Items
- VIII. Public Comment Period
- IX. Work Session Agenda
- X. Supervisors Discussion
- XI. Closed Meeting (when required)
- XII. Adjournment

The order of business items "Matters Presented by the Board" and "Supervisors Discussion" shall mean time for individual Board members to share information with other members of the Board and the public. Items presented under these headings requiring action will be for future

agendas. No item presented under these headings will be acted upon at the meeting at which presented unless it is the unanimous consensus (either by voice vote or roll call at the discretion of the Chair) of the Board that the item be acted on at the time of presentation. Note that the order of business for a regular meeting will be slightly modified at the Annual Organizational Meeting to provide for election of the Chair and Vice-Chair.

It is the intent of the Board that the second meeting of each month be designated as a work session, though the decision to add action items with time constraints is left at the discretion of the County Administrator with the approval of the Board Chair. Work session agenda items shall generally be presentations and discussions related to matters where time is needed to thoroughly present information important to the business of the Board, typically on matters which shall come before the Board at some later date for decision. Typically, no action will be required or requested for work session agenda items. Generally, public hearings shall be conducted at the regular Board meetings on the first Tuesday of each month. Although public comment is also included at Board work sessions, the Chair may limit the time for each comment, and restrict comment to topics of discussion on that meeting's agenda.

Section 3-2. Consent Agenda

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. There shall be no debate or discussion by any member of the Board regarding any item on the Consent Agenda, beyond asking questions for simple clarification.

On objection by any member of the Board of Supervisors to inclusion of any item on the Consent Agenda, that item shall be removed from the Consent Agenda forthwith. Such objection may be recorded at any time prior to completing the taking of a vote on the motion to approve the Consent Agenda. Items, which have been objected to and removed from the Consent Agenda, shall immediately after the vote on the Consent Agenda has been taken, be considered individually and in the order in which they were objected to.

Approval of the motion to approve the Consent Agenda shall constitute approval, adoption, or enactment of each motion, resolution, or other item of business thereon, exactly as if each had been acted upon individually.

Section 3-3. Manner of Addressing Board; Priority in Speaking

When any person, including Board members, speaks to the Board, he or she shall address the Chair and shall confine his or her remarks strictly to the question before the Board.

When two or more members of the Board wish to speak at the same time, the Chair shall select the one to speak first and the other(s) to speak in the order designated by the Chair.

Section 3-4. Motion

No proposition shall be entertained by the Chair until a motion for the same has been duly made. The Chair may make a motion without vacating the chair. Discussion of items will be permitted only after a motion is on the floor.

Section 3-5. Motion to Adjourn; Automatic Adjournment

A motion to adjourn shall always be in order and shall be decided without debate.

The Chair shall automatically adjourn, without benefit of any motion or debate, any meeting of the Board which has not concluded by 11:00 P. M. No meeting of the Board shall continue beyond 11:00 P. M. unless and until a motion to extend the time has been offered and passed by a majority vote of the members present and voting.

Section 3-6. Motions While a Question is Under Debate

When a motion is under debate at a meeting of the Board, no motion shall be received unless it is one to amend, to commit or refer for study, to postpone, for the previous question, for a substitute motion, to lay on the table, or to adjourn.

Section 3-7. Reconsideration of Motions, Etc., Upon Which Vote Has Been Announced

At a meeting of the Board, when any vote upon any motion, resolution, ordinance, or question has been announced, it may not be reconsidered unless and until a motion to that effect is presented by a member of the Board who voted with the prevailing side when such motion, resolution, ordinance, or question was considered at the meeting in which the vote took place. Any such motion to reconsider shall be decided by a majority vote of the members present, unless a greater number of votes was required to pass the measure, in which event, the

motion to reconsider shall not prevail, except upon the vote of as great a number of members as was required to pass the measure.

For the purpose of this Section, “meeting” shall include any adjourned or special meeting occurring prior to the next regular meeting.

Section 3-8. Robert's Rules of Order; Suspending Rules

The proceedings of the Board of Supervisors, except as otherwise provided in these Rules of Procedure and by applicable State law, shall be governed by Robert's Rules of Order.

These Rules of Procedure of the Board may only be suspended on presentation of a motion to that effect, which is carried by unanimous vote of the members present and voting.

ARTICLE IV - PUBLIC HEARINGS

Section 4-1. Format for Public Hearings

The following format shall be followed for all Public Hearings conducted before the Board of Supervisors, except for those conducted by representatives of the Virginia Department of Transportation:

- The Chair will make a brief statement identifying the matter to be heard and verify with the County Administrator that all legal advertisement requirements have been met.
- The Chair will call upon the appropriate County staff member to present the item to be heard. Staff presentations should be concise and normally limited to no more than ten (10) minutes except when necessary to properly inform the public of the issue before the Board. In such instances, the agenda will be annotated to indicate the estimated length of the presentation. In a land use matter, unless otherwise agreed by the Board, the applicant or the applicant's representative(s) shall be allowed a maximum of ten (10) minutes to present their case immediately following the staff presentation.
- The Chair will open the floor to public comment.
- The Chair shall close the floor to public comment and refer the matter for Board discussion.

Section 4-2. Speakers

At every Public Hearing, speakers wishing to address the Board shall clearly state their name and address or magisterial district, if applicable, and they shall be allowed to speak for no more than the time limit set by the Chair. The Parliamentarian shall be responsible for noting the expiration of this time limit, and the Chair shall be responsible for enforcing said limit. All speakers shall direct their comments to the Board Chair.

Speakers may register with the Clerk prior to the start of the hearing if the Chair feels it is necessary on forms provided for public participation, and the Chair shall verify that all such registration has been completed before beginning the hearing with the first step described above in Section 4-1.

The Code of Gloucester County, Section 2-13, allows the Chair to recognize any person to speak to the Board during the course of any meeting if deemed appropriate, and requires the Chair to recognize a person when requested by two (2) or more Board members.

Section 4-3. Member's Participation

Board members shall limit their comments during public hearings to ensure full participation by the public without Board interference.

Section 4-4. Close of Hearing

When a Public Hearing shall have been closed by order of the Chair of the Board, no further public comments shall be received.

Section 4.5. Rezoning Public Hearings; No Delay or Deferral

Once a public hearing for a change to the zoning map has been advertised, the Board of Supervisors will not consider a request by the applicant to delay, defer, or continue said hearing.

ARTICLE V – AGENDA AND PUBLIC PARTICIPATION

Section 5-1. Preparation

The Clerk shall prepare an Agenda for each regular meeting conforming to the order of business specified in Section 3-1 under Order of Business, with the advice/input of the Chair. Notwithstanding the advice/input of the Chair, any Board member may have a conforming item added to the Agenda if timely submitted before the deadline

established by the County Administrator. Except where emergency circumstances require otherwise, every item to be placed on the Agenda shall be received in the Office of the County Administrator before the deadline established by the County Administrator.

Notwithstanding the preceding paragraph, proffers for rezoning applications will not be accepted if not received in the County Administrator's office at least fourteen (14) days before the scheduled public hearing on the application.

During a Board Meeting, an item can be added to the agenda when requested by any member and approved by majority vote of the Board.

Section 5-2. Delivery

The Agenda packet shall be received in electronic form by each member of the Board and by the County Attorney at least 96 hours prior to the meeting or in printed form upon request and within a reasonable timeframe thereafter.

Section 5-3. Posting

A copy of the Agenda shall be available in the Office of the County Administrator and may be reviewed during normal office hours, and on the County's WEB site at any time.

Section 5-4. Copies

The Clerk or Deputy Clerk of the Board shall prepare or cause to be prepared extra copies of the Agenda and shall make the same available to the public in the Office of the County Administrator at the same time that the Agenda is posted pursuant to Section 5-3, above. The Clerk or Deputy Clerk shall also have copies available at each meeting.

Section 5-5. Public Participation in Regular Meetings of the Board

Any person or County staff member who desires to address the Board during the "Scheduled Presentations" or the "Regular Agenda" portion of the Agenda at a Regular Meeting shall submit a written request to the Clerk, or his designee, identifying, with reasonable certainty, the subject matter of the presentation. Such request must be in the Clerk's hands not later than the Agenda deadline specified in Section 5-1 hereof. Only the person requesting to make the presentation may do so, unless otherwise permitted by the Chair, and every such speaker shall be subject to a time limit for the presentation set by the

Chair. Presentations should be concise and normally limited to no more than ten (10) minutes except when necessary to properly inform the public of the issue before the Board. In such instances, the agenda will be annotated to indicate the estimated length of the presentation. Board Member questions and discussion of the material presented shall not be subject to any time limit. Submissions for the agenda are subject to approval by the Board Chair or County Administrator prior to their addition.

No application shall be required in order to speak to the Board during Public Comment, however, speakers participating in that activity shall clearly state their name and address or magisterial district, and shall be subject to the time limitation set by the Chair. Each speaker at a Public Comment period shall be limited to one appearance at each regular meeting of the Board. All speakers shall direct their comments to the Board Chair. No comments regarding county business sent electronically shall be reviewed during the meeting by the members of the Board.

All will practice proper decorum during Board meetings. Persons who attend Board meetings or who wish to speak to the Board during public comment shall do so in an orderly manner. Any person (or persons) who engages in any disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Board meeting shall, at the discretion of the presiding Chair, be barred from speaking or may be ejected from the meeting.

The Public Comment Period is designated as a time for members of the public to present comments to the Board. It is the Board's practice to listen to speakers and not engage in dialogue during this time. At the conclusion of the Public Comment period, and at the direction of the Chair, a Board member or staff member may be asked to respond to issues raised during the Public Comment section of the agenda.

The Code of Gloucester County, Section 2-13, allows the Chair to recognize any person to speak to the Board during the course of any meeting if deemed appropriate, and requires the Chair to recognize a person when requested by two (2) or more Board members.

ARTICLE VI – POWERS OF THE CHAIR

Section 6-1. Powers of the Board Chair Outside of Board Meetings

The Board Chair is specifically granted the authority to:

- Issue proclamations and letters on behalf of the Board and Gloucester County which are congratulatory or honorary in nature without requiring the approval or a vote of the Board.
- Authorize the County Administrator's and County Attorney's attendance at conferences.
- Approve leave requests for the County Administrator and County Attorney.
- Represent the Board at regional meetings and caucus meetings.

ARTICLE VII – GENERAL RULES OF CONDUCT DURING BOARD MEETINGS

Section 7.1. Prohibition of Private Communication during Board Meetings

The Gloucester County Board of Supervisors wishes to observe the spirit of the open meeting requirements of the Freedom of Information Act. Board members are prohibited from engaging in private communication regarding county business by any means, electronic or otherwise, during Board meetings.