

January 2018

BOARD OF SUPERVISORS
of the
County of Goochland, Virginia

RULES OF PROCEDURE

The following Rules of Procedure are adopted by the Goochland County Board of Supervisors to enable the Board to discharge its duties and responsibilities effectively and efficiently and to facilitate the exercise of its authority and power provided by the Virginia Code. The Board's parliamentary procedures shall conform with the law, these Rules, and the historical practices of the Board. The County Attorney shall act as parliamentarian to decide questions involving the application or interpretation of procedural rules.

ARTICLE 1. ORGANIZATIONAL MEETING

- 1.1 **Annual Meeting.** The Board shall elect a chair and vice-chair at the annual meeting in the month of January for a one-year term, as provided for in Virginia Code § 15.2-1422. If sufficient interest is expressed by the members, fair consideration shall be given to rotating the offices of chair and vice-chair among the members of the Board.
- 1.2 **Chair.** The Chair shall preside at all meetings and hearings of the Board; he or she shall decide all points of order or procedure, but the full Board shall appoint any committees that may be necessary or desired.
- 1.3 **Vice-Chair.** The Vice-Chair shall assume the duties of the Chair in his or her absence or disability.
- 1.4 **Clerk.** The Clerk to the Board shall conduct all official correspondence at the direction of the Board; shall send out all notices required by these Rules; keep all minutes of the Board's proceedings; and keep files on all matters which come before the Board.
- 1.5 **Documents.** At its annual meeting every year, the Board will review, revise, if necessary, and adopt both its Rules of Procedure, and its Code of Ethics and Standards of Conduct.

ARTICLE 2. MEETINGS

- 2.1 **Regular Meetings.** A regular meeting of the Board of Supervisors shall be held on the first Tuesday of each month, beginning at 3:00 p.m. at the County Administration Building. When the regular meeting date falls on a holiday, the meeting shall be held on the next business day. The Board may schedule other dates and times for regular meetings as necessary. All meetings are open to the public and all business shall be conducted publicly, except certain specific exempt topics identified in Virginia Code § 2.2-3711, which may be discussed in closed meeting.

2.2 Special and Reconvened Meetings. Special meetings may be called and held in accordance with Virginia Code §§ 15.2-1417 and 15.2-1418. In addition, there may be more than two Board members who attend a community or Planning Commission meeting about a proposed land use application(s), or a community meeting concerning other public business. The Board will not consider any motion, vote, or take any other official action at these meetings, but, in compliance with the Virginia Freedom of Information Act, notice of a special meeting will be provided and minutes of the meetings will be maintained.

Reconvened meetings may be held any specific time, date, and place the Board may set, without additional notice, so long as the time, date, and place are publicly specified prior to adjournment at the preceding meeting.

2.3 Canceling Meetings. The Chair may cancel any meeting because of inclement weather or other conditions which make it hazardous for Board members or the public to attend. A canceled meeting should be rescheduled at the earliest possible convenient date.

2.4 Quorum. A quorum shall consist of three members. If disqualifications of Board members should occur as a result of the provisions of the State and Local Government Conflict of Interests Act, the remaining members shall have authority to act for the Board by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members as provided in Virginia Code § 2.2-3112(D).

2.5 Special Voting Requirements. In accordance with Virginia Code § 15.2-1428, a recorded affirmative vote of a majority of all elected members of the Board shall be required to approve an ordinance or resolution (i) appropriating money exceeding the sum of \$500; (ii) imposing taxes; or (iii) authorizing the borrowing of money.

2.6 Order of Business. Unless otherwise modified by the Chair, the order of business at all regular meetings of the Board shall generally be as follows: Afternoon: (a) call to order; (b) invocation; (c) pledge of allegiance; (d) citizens' comment period; (e) request to postpone agenda items and additions, deletions or changes in the order of presentation; (f) approval of minutes; (g) county administrator's comments; (h) reports; (i) consent items (j) new business; (k) presentations; (l) closed meeting and certification, if applicable; Evening: (m) citizens' comment period; (n) public hearings; and (o) adjournment.

2.7 Work Sessions. Work sessions, if needed, will be scheduled by the Chair or the Board. Generally, the Board will take no action at work sessions; matters may be referred for consideration of action during the regular meeting that same day or at a subsequent meeting.

2.8 Voting. Each supervisor shall be entitled to cast one vote on any questions before the Board. Voting shall be by voice, recorded in a statement that indicates a member's intent, such as by "yea," "aye," or "yes" in the affirmative; "nay," or "no" in the negative; or "abstain."

2.9 Motions. All motions require a second in order to be considered by the Board. When a motion is under discussion, no additional motions may be made except a motion to withdraw, defer, substitute, or amend. Such motions shall take precedence in the listed order. Only one substitute motion may be made for any principal motion.

2.10 Participation by Electronic Communications.

A. A Board member may participate in a Board meeting through electronic communication means from a remote location that is not open to the public only as follows and subject to the requirements of subsection B below:

1. If, on or before the day of a meeting, a member of the Board notifies the Chair that such member is unable to attend the meeting due to an emergency or personal matter, and identifies with specificity the nature of the emergency or personal matter, and the Board records in its minutes the specific nature of the emergency or personal matter, and the remote location from which the member participated. Upon receiving the request and qualifying information from such member, the Chair shall be authorized to approve the request. However, any member of the Board may challenge the Chair's decision and request a roll-call vote on the approval of the member's request as the first order of business.

If the member's participation from a remote location is disapproved by the Board because such participation would violate the policy contained in subsection B of this Rule, such disapproval shall be recorded in the minutes with specificity.

Such remote participation by a Board member shall be limited each calendar year to two meetings or 25 percent of the meetings of the Board, whichever is fewer;

2. If a member of the Board notifies the Chair that such member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the Board records this fact and the remote location from which the member participated in its minutes.

B. Participation by a member of the Board as authorized under subsection A shall occur only under the following conditions:

1. The Board has adopted this written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this Rule. The policy contained in this Rule shall be applied strictly and uniformly, without exception, to the entire membership of the Board 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;
2. A quorum of the Board is physically assembled at the primary meeting location; and

3. The Board makes arrangements for the voice of the member participating remotely to be heard at the primary meeting location.

ARTICLE 3. PUBLIC COMMENTS AND HEARINGS

- 3.1 Scope and Purpose of Citizens' Comments. A reasonable period of time will be allocated to individuals at the beginning of each regular meeting to provide a public forum for the Board to listen to citizens who wish to speak about matters pertinent to the services, activities, issues and/or policies of Goochland County, but comments related to an item scheduled for public hearing at the same Board meeting should be made during the public hearing and not during the citizens' comment period. Citizens are encouraged to work through problems at the department and/or administrative levels before coming to the Board. Remarks should be limited to a reasonable period of time and to one appearance, thus allowing a maximum number of participants in the allocated time. Citizen questions will be responded to by appropriate county staff as soon as practicable after the meeting. Board meetings are neither trials nor testimonials directed toward a Board member or individual employee. Persons wishing to discuss a personnel matter concerning the County Administrator should communicate with a Board member or members on an individual basis. All other personnel matters should be directed to the County Administrator.
- 3.2 General Process for Citizens' Comments. In the opening statement, the Chair will state that a period of time will be allocated to residents of the county or members of the general public to address the Board on any matter pertinent to the services, activities, issues and/or policies of Goochland County. The Chair shall state that in the event there are more citizens wishing to make comments, an additional period of time may be set aside at the end of the Board meeting. Normally, the Board will not address questions or issues raised by citizens at the meeting in which the questions were raised. The citizens' comment period is normally limited to matters not scheduled for public hearing on that day's agenda. Persons wishing to appear before the Board are requested to contact the County Administrator to be placed on the agenda, but this is not required. The Chair is responsible for the orderly conduct of the meeting and shall rule on such matters as the appropriateness of the subject being presented and suitability of the time for such presentation. The Board as a whole shall have the final decision in determining the appropriateness of all such rulings. Public participation at any specially called meeting of the Board shall be determined by the Board upon recommendation of the Chair.
- 3.3 Public Hearings on Matters of Public Interest. In addition to those required by law, the Board of Supervisors may hold public hearings on matters when it decides that such hearings will be in the public interest.
- 3.4 Order for Public Hearings. When conducting public hearings, the order outlined below may be observed; however, the Chair may alter the procedure and time limits as needed to assure that public hearings are conducted in an orderly, fair, and expeditious manner:

Brief description of issue by County staff or other appropriate persons, and County

staff analysis or recommendation;

Presentation by the applicant or applicant's representative of up to 15 minutes;

Comments by proponents and opponents, typically limited to 3 minutes per person;

Rebuttal remarks by applicant or applicant's representative of up to 10 minutes;

Decision of Board.

- 3.5 Length of Time for Public Hearing Remarks. Generally, a citizen may speak one time for three minutes at any public hearing. If a citizen wishes to speak as a representative of a group, then he or she may extend his or her time for remarks up to 10 minutes by having up to four other citizens come to the podium, identify himself/herself and cede two minutes of speaking time to the group representative.
- 3.6 Written Statements. The Board appreciates its citizens' attending and participating in its meetings. Citizens who are unable to attend a public hearing may submit written statements for consideration by the Board by providing sufficient copies to the Clerk before or during the public hearing, or by submitting their statements electronically by email or through the County's website. A citizen not attending a meeting should not expect that another person will be permitted to read his/her statement to the Board during the public hearing, though the Chair may, in his or her discretion, choose to permit that to occur.

ARTICLE 4. CLAIMS AGAINST THE COUNTY

- 4.1 Monetary claims against the County will be handled in accordance with Virginia Code § 15.2-1243 et. seq.
- 4.2 After receipt of a claim, the County Attorney will consult with the Chair and County Administrator to determine a date and time during a regular meeting for presentation of the claim to the Board. The County Attorney shall notify the claimant by certified mail of the time, date, and place that the Board will consider the claim. Throughout this article, the term "claimant" refers to either claimant or claimant's representative.
- 4.3 Claimant may provide written materials, photographs, or other documents to be presented to the Board, but only if such materials (i) are delivered to the County Attorney at least eight days prior to the Board meeting at which the claim will be presented, and (ii) identified as materials that the claimant seeks to have presented to the Board. Materials properly identified and timely provided to the County Attorney will be sent to Board members at the same time as or before the other agenda materials for that regular meeting. The County Attorney, or other County personnel, may also provide Board members with any other documents or materials pertinent to the claim.
- 4.4 If claimant wishes to make an oral presentation at the Board meeting, he or she shall notify the County Attorney at least eight days prior to the Board meeting at which the claim will

be presented. At the meeting, the claimant may present first, followed by the County Attorney, and then the claimant shall have an opportunity for rebuttal. The time periods for these presentations shall be established by the Chair based on the nature and complexity of the claim as well as the length of time needed for other items on the agenda for that meeting. The County Attorney shall present the Board his or her recommendation regarding the claim.

- 4.5 The Board may approve the claim as submitted, deny the claim in whole or in part, refer the claim to County personnel for additional investigation, or take the claim under advisement. The Board shall make a final decision on the claim within 90 days from the date that the claim is received by the Board or its clerk, unless the claimant agrees to a longer time. The Clerk of the Board shall notify the claimant, in writing, of the Board's decision, unless the claimant is present when the Board renders its decision.

ARTICLE 5. AMENDMENT

- 5.1 Amendments. These Rules of Procedure may be amended at any meeting of the Board of Supervisors provided that notice of said proposed amendment is given to each member in writing at least five days prior to said meeting.
- 5.2 Suspension of Rules. These Rules of Procedure may be suspended in whole or in part only upon the majority vote of the members of the Board of Supervisors present and only when consistent with state law.
- 5.3 Procedural Issues. Only Board members shall have standing to raise noncompliance with these Rules of Procedure, and only at the time of the violation. Failure of the Board to comply with these Rules of Procedure shall not invalidate any action taken by the Board. Procedural issues not covered by these Rules of Procedure may be guided, first, by the Board's historical practice, then by the determination of the parliamentarian which will be generally based on the latest edition of Robert's Rules of Order. The failure, however, of the Board to comply with Robert's Rules of Order shall not invalidate any action taken by the Board.

ADOPTED:	November 3, 1976
EFFECTIVE:	November 3, 1976
AMENDED:	January 5, 1982
AMENDED:	February 5, 1991
AMENDED:	March 2, 1993
AMENDED:	January 4, 1994
AMENDED:	February 6, 1996
AMENDED:	January 6, 1998
AMENDED:	January 5, 1999
AMENDED:	March 7, 2000
AMENDED:	January 15, 2002
AMENDED:	January 3, 2006

APPROVED: January 3, 2007
AMENDED: February 5, 2008
APPROVED: January 6, 2009
AMENDED: January 5, 2010
AMENDED: January 4, 2011
AMENDED: January 3, 2012
ADOPTED: January 2, 2013
ADOPTED: January 7, 2014
AMENDED: January 6, 2015
ADOPTED: January 5, 2016
AMENDED: January 3, 2017
AMENDED: March 7, 2017
AMENDED: January 3, 2018