

**BY-LAWS**  
**BUCKINGHAM COUNTY PLANNING COMMISSION**

**Article 1 – Objectives**

- 1-1. The Buckingham County Planning Commission was established in conformance with a resolution adopted by the Buckingham County Board of Supervisors on February 5, 1962. The present Commission has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Chapter 22, Article 2, of the 1950 Code of Virginia, as amended.
- 1-2. The official title of this Commission shall be the “Buckingham County Planning Commission.”

**Article 2 – Members**

- 2-1. The Planning Commission shall consist of not less than five, nor more than fifteen members, all of whom shall be residents of the County. One member shall be one of the Board of Supervisors and the remaining members shall be County citizens appointed by the Board of Supervisors.
- 2-2. The term of the member from the Board of Supervisors shall be at the pleasure of the Board of Supervisors. Members are appointed for terms of four (4) years by the Board of Supervisors. Any vacancy in membership shall be filled by appointment by the Board of Supervisors and shall be for an unexpired term only. Any appointed member may be removed by the Board of Supervisors for malfeasance in office. The Board of Supervisors may provide for the payment of expenses incurred by the performance of their official duties.
- 2-3. The term of a Commissioner member shall expire immediately prior to the beginning of the regular meeting at which meeting his successor’s term of office shall begin.

**Article 3 – Officers and Their Selection**

- 3-1. The officers of the Planning Commission shall consist of a Chairman, a Vice Chairman, and a Secretary. The elected officers shall be the Chairman and the Vice Chairman.
- 3-2. The Nomination of officers shall be based on nominations of the members for the consideration of Chairman and Vice Chairman.

Any Chairman or Vice Chairman may decline and allow further nominations until the Offices are filled. Official action of election of officers shall follow immediately.

- 3-3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. They shall take office immediately and serve for one (1) year or until their successor shall take office.

3-4. Vacancies in office shall be filled immediately by the rotation election procedures listed above.

#### **Article 4 – Duties of Officers**

- 4-1. The Chairman shall be a citizen member of the committee and shall:
- 4-1-1. Preside at all meetings.
  - 4-1-2. Appoint committees, special and/or standing.
  - 4-1-3. Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote by the members present.
  - 4-1-4. Be informed immediately of any official communication and report same at the next regular meeting.
  - 4-1-5. Carry out other duties as assigned by the Commission.
- 4-2. The Vice Chairman shall be a citizen member of the Commission and shall:
- 4-2-1. Act in the absence or inability of the Chairman to act.
  - 4-2-2. Have the power to function in the same capacity as the Chairman in cases of the Chairman's inability to act.
- 4-3. The Secretary shall:
- 4-3-1. Be the County Administrator or his/her designee.
  - 4-3-2. Keep a written record of all business transacted by the Commission.
  - 4-3-3. Notify all members of all meetings.
  - 4-3-4. Keep a file of all official records and reports of the Commission.
  - 4-3-5. Certify all maps, records, and reports of the Commission.
  - 4-3-6. Give notice of all hearings and public meetings.
  - 4-3-7. Attend to the correspondence of the Commission.
  - 4-3-8. Prepare and be responsible for the publishing of advertisements relating to public hearings.

#### **Article 5 – Standing and Special Committees**

- 5-1. Any committee necessary in the function of the Commission shall be appointed by the Chairman, who will specify their purpose and tenure, subject to majority approval by the Commission.

#### **Article 6 – Meetings**

- 6-1. Regular meetings of the Commission shall be held on the fourth Monday of every month beginning with January at 7:00 p.m. Special meetings shall be called, as needed. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the Commission.
- 6-2. Special meetings of the Commission shall be called by the Chairman or by two members upon written request to the Secretary. The Secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof.

- 6-3. All regular and special meetings, hearings, records, and accounts shall be open to the public.
- 6-4. A majority of the membership of the Commission shall constitute a quorum. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting. Voting may be by roll call, in which case a record shall be kept as a part of the minutes.
- 6-5. Any request for consideration by the Commission shall be presented to the Secretary of the Commission and/or the County Administrator at least ten (10) days prior to the scheduled meeting or the Commission shall not be obligated to consider the matter at its next scheduled meeting.
- 6-6. For record keeping purposes, the Secretary of the Commission or other appointed staff will provide a sheet for all public commenters to write their name and address after they have finished their comments.
- 6-7. The Commission reserves the right to require that public comment and public hearing participants, with the exclusion of presenters, applicants and staff, sign up on a sign-up sheet prior to a meeting. The person chairing the meeting will have a last call for any additional names to be added directly before the scheduled public comment time or scheduled hearing. Then the Chair or appointed member shall call the individuals with preference given to the Buckingham County citizens and landowners to speak first.
- 6-8. During public comments and public hearings there shall be no discussion between the public and the Commission unless granted by the Chairman.
- 6-9. The following statement will be on all public comment and public hearing sign-up sheets and may be read by the Planning commission as a reminder to citizens to uphold the truth: *The Planning Commission would like to remind all speakers that they have a First Amendment right to speak. However, speakers do not have indemnification if the statement(s) are made with actual or constructive knowledge that they are false, or with reckless disregard for whether they are false. We ask all speakers to keep to what they know to be the truth and by signing up for comment you are acknowledging your understanding and agreement with the above.*
- 6-10. In the event of inclement weather, the regularly scheduled Planning Commission meeting will be held on the following Monday of the month.

6-11 Meetings held through electronic communications:

This policy is adopted pursuant and consistent with §2.2-3708.2 of the 1950 Code of Virginia, as amended. A. The following provisions shall apply to the Planning Commission for Buckingham County (Planning Commission):

1. Subject to the requirements of Section 6, the Planning Commission may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on or before the day of the meeting, a member of the Planning Commission holding the meeting notifies

the Chair of the Planning Commission that: a. Such member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance; or b. 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 subdivision b is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. If participation by a member through electronic communication means is approved pursuant to subdivision 1, the Planning Commission holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved pursuant to subdivision 1 a, the Planning Commission shall also include in its minutes the fact that the member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 1 b, the Planning Commission shall also include in its minutes the specific nature of the personal matter cited by the member. If a member's participation from a remote location pursuant to subdivision 1 b is disapproved because such participation would violate the policy adopted pursuant to Section B, such disapproval shall be recorded in the minutes with specificity.

3. Any Planning Commission, or any joint meetings thereof, may meet by electronic communication means without a quorum of the Planning Commission physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the Planning Commission or the discharge of its lawful purposes, duties and responsibilities. The Planning Commission convening a meeting in accordance with this subdivision shall: a. 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 Planning Commission conducting the meeting; b. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the Planning Commission; c. Provide the public with the opportunity to comment at those meetings of the Planning Commission when public comment is customarily received; and d. Otherwise comply with the provisions of this policy. The nature of emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

The provisions of this subdivision 3 shall be applicable only for the duration of the emergency declared pursuant to §44-146-17 or 44-146.21. B. Participation by a member of the Planning Commission in a meeting through electronic communication means pursuant to subdivisions A 1 and 2 shall be authorized only if the following conditions are met: 1. The member gives proper notice of the member's inability to attend the meeting and the reasons the member is unable to attend; 2. The Chair shall make a preliminary determination if the non-attending member is able to participate through electronic means and shall announce that determination at the beginning of the meeting, setting forth when the request was received and why the member so requested; 3. If any member present disagrees with the determination of the Chair, the disagreeing member may request a vote of the Planning Commission members present on the Chair's decision. Each member shall be allowed, if the member so desires, to speak one time, for no more than 2 minutes, on the determination. The Chair may vote and a majority of members present and voting shall prevail.

4. The minutes shall reflect those items required by this policy. 5. A quorum of the Planning Commission is physically assembled at one primary or central meeting location; and  
6. The Planning Commission makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. Nothing in this policy shall be construed to prohibit the use of interactive audio or video means to expand public participation. This 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 of the matters that will be considered or voted on at the meeting.

#### **ARTICLE 7 – ORDER OF BUSINESS**

- 7-1. The order of business for a regular meeting shall be:
  - 7-1-1. Call to order by the Chairman.
  - 7-1-2. Invocation.
  - 7-1-3. Pledge of Allegiance.
  - 7-1-4. Determination of a quorum.
  - 7-1-5. Adoption of agenda.
  - 7-1-6. Consideration of minutes.
  - 7-1-7. Public Participation.
  - 7-1-8. Old Business.
  - 7-1-9. New Business.
  - 7-1-10. Report of officers, committees, and staff.
  - 7-1-11. Adjournment.
- 7-2. Executive sessions may be held as needed
- 7-3. Parliamentary procedure in Commission meetings shall be guided by Robert’s Rules of Order Amended for Small Groups.
- 7-4. The Planning Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.
- 7-5. The Secretary and Chairman shall sign all minutes.

#### **ARTICLE 8 – HEARINGS**

- 8-1. In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.
- 8-2. Notice of a special hearing shall be published once a week for two successive weeks in a newspaper of general circulation in the area not less than five (5) days before the time of the public hearing.
- 8-3. The order for public hearings shall be:
  - 8-3-1. The Chairman will request the Planner/Zoning Administrator to call the specific case being heard.

8-3-2. After hearing the specific case item, the Chairman will ask staff to present its report. Staff reports are available on the Friday prior to the public hearing.

8-3-3. The Chairman asks the applicant to present their case. Applicants may be limited on time at the discretion of the Chairman.

8-3-4. Following the staff's report and applicant's presentation, the Chairman will open the public hearing and call for public speakers. When called upon to speak, speakers must be recognized by the Planning Commission Chairman and must state name, address, and district. Spontaneous questions, comments and applause from the audience will not be acknowledged. Public speakers are allowed to speak for three (3) minutes. However, the Chairman reserves the right to set new speaking times at the start of each meeting. Commissioners should refrain from asking questions until the party addressing the Commission completes his or her entire presentation. For purposes of this guideline, the term "party" refers to staff, applicants and individual public speakers addressing the Commission. Once all speakers are heard, the public hearing will be closed. Applicant may have the opportunity to address the Commission on issues that arose during the public comment. At the discretion of the Chairman, additional questions from the public may be submitted to the Chairman and the applicant shall submit his/her responses to the questions through the Chairman.

8-3-5. At some point during the Commission discussion, a Commissioner may offer a motion that will be voted on by the Commission.

8-3-6. A letter (Letter of Recommendation) which accurately portrays the Commission's action in sufficient detail, including the motion and vote, is sent to the Board of Supervisors.

8-4. A record shall be kept for those speaking before the Commission at the hearing.

### **Article 9 – Correspondence**

9-1. It shall be the duty of the Secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the Planning Commission.

9-2. It shall be the duty of the Secretary to communicate as appropriate when necessary to make communications that cannot be carried out as rapidly through direct correspondence.

9-3. All official papers and plans involving the authority of the Commission shall bear the signature of the Chairman or Vice Chairman together with the certification signed by the Secretary.

### **Article 10 – Amendments**

10-1. These rules may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) days' prior notice.

Adopted February 1962  
Revised March 1998

Revised October 2018

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