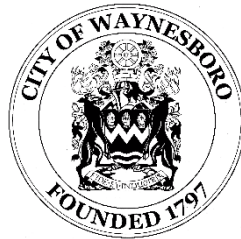


BYLAWS
OF THE
WAYNESBORO PLANNING COMMISSION
WAYNESBORO, VIRGINIA



Adopted April 18, 1995
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The City Planning Commission (established pursuant to Sections 2-34 1 et seq. of the Waynesboro City Code and Sections 15.2-2212 through 15.2-2222 of the Code of Virginia) hereby adopts the following rules for the transaction of its business, subject to ratification by the Waynesboro City Council, hereinafter referred to as “council”.

I. MEMBERSHIP AND DUTIES

1.1. Composition; appointment of members. The number of members of the city planning commission shall be seven, all of whom shall be appointed by the council, one of whom shall be a member of the council, and the remaining members shall be qualified voters of the city.

1.2 Appointment and terms. The terms of office of the members, other than the member of the council, shall be four years, limited to two consecutive four-year terms (in addition to less than half of a term to which an individual was appointed to fill a vacancy).

1.3 Removal of members. Any member other than the member of the council may be removed by the council for inefficiency, neglect of duty or malfeasance in office. Any member having three (3) consecutive unexcused absences from scheduled meetings may be asked to resign by the Commission.

1.4 Vacancies. Any vacancy occurring in the membership of the city planning commission shall be filled by the council for the unexpired terms as provided in Section 2-341 of the City Code.

1.5 Oath of Office. Each commissioner shall, before entering upon the duties of office, take the same oath prescribed for members of council by the laws of the state before a notary public or other officer authorized to administer the same, which oath shall be subscribed

by each commissioner and filed with the clerk of the council. If any shall so fail to qualify within ten days after the commencement of the term for which appointed, the office shall be deemed vacant.

1.6 Duties of Commission. The commission shall perform such duties as are assigned it by City Code, and by Section 15.2-2221 of the Code of Virginia, 1950, as amended, within the budget as approved by City Council, subject to direction from time to time by the City Council. The commission shall carry out its duties and responsibilities in accordance with applicable provisions of state and local code. In the event of a conflict with these bylaws, the applicable code shall apply. No later than ~~September 30~~January 31 each year the Planning Commission shall prepare an annual report on its activities of the prior Commission year (January 1 – December 31)~~September 1 – August 31~~) and its recommendations for the future and shall request the opportunity to present the said report to City Council at a joint work session.

II. OFFICERS AND DUTIES

2.1 Officers. The officers of the Planning Commission shall be a chair, a vice chair, and a clerk, who shall be elected or appointed and have the duties as set forth below.

2.2 Election of Chair and Vice-Chair. The members of the city planning commission, at the first meeting of such commission held after ~~September~~January 1 of each year, shall elect _____ from the members, excluding the member of council, a chair and a vice-chair, respectively, to serve until their successors are duly elected and qualified.

2.3 Clerk and Substitute Clerk. The city ~~planning director~~planner or other city administrative staff member designated by the city manager shall serve as the clerk of the city planning commission. The clerk or a designated substitute clerk from the city planning

department shall attend all meetings of the city planning commission with the right to take part in the discussion but without the right to vote.

2.4 Duties of Chair. In addition to the other duties set forth in these bylaws and normally performed by the chair of a public advisory body, the Chair shall execute all documents on behalf of the Commission; act as liaison between the Commission and the ~~Director of Planning~~City Planner to consult as necessary with the City Manager or City Council; cause all resolutions, approvals and other actions of the Commission to be executed or carried out; and determine that all matters delegated to the Commission by state statute, city ordinance, or at the instance of the City Council, City Manager, ~~Director of Planning~~City Planner, or any citizen are properly brought before the Commission.

2.5 Duties of Vice-Chair. The Vice-Chair shall exercise the powers and perform the duties of the Chair during the absence, disability or disqualification of the chair.

2.6 Duties of the Clerk. The clerk shall cause minutes of the Commission's proceedings to be kept; give notices required by law of these bylaws; prepare, in consultation with the chair, the agenda for all meetings of the Commission; be custodian of the Commission's records; inform the Commission of correspondence relating to the business of the Commission and respond to such correspondence unless responsibility is otherwise assigned by the Chair; handle any funds allocated to the Commission; act as liaison with the City Manager, City departments and agencies; and execute on behalf of the Commission any documents requiring the signature of the Clerk.

III. MEETINGS

3.1 Regular meeting. The regular meeting of the ~~city planning~~ commission shall be

monthly at 7:00 p.m. on the Tuesday following the third Monday of each month, in the council chambers, or at any other place to which the meeting be adjourned to be held.

3.2 Special meetings. Special meetings of the commission may be called by the chair or by two members upon written request to the chair. The clerk 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. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.~~Special meetings of the city planning commission shall be held at such other time and date at such place as may be designated by the chair at least 12 hours prior to the proposed date, place, and time of such meeting and only after written notice to the members of the commission at least 12 hours prior to such meeting stating the purpose therein served personally or left at the usual place of business or residence of such member. However, meetings may be held without notice, provided all members of the city planning commission attend and consent to such meeting.~~

3.3 Cancellation or postponement. The monthly meeting and any called special meeting may be dispensed with or postponed ~~Upon a majority vote or with majority consent of all members or upon communication between city planning staff and the Chair that the scheduled meeting is not required., the monthly meeting and any called special meeting may be dispensed with or postponed.~~

3.4 Adjournment. The ~~city planning~~ commission shall be automatically adjourned at 10:00 p.m. at each regular or called meeting, unless the meeting is continued upon the unanimous consent of all members present recorded by an affirmative vote.

3.5 Closed meetings. All meetings of the commission shall be public except when ordered by a majority of those commissioners present in instances where a closed session is authorized under the Virginia Freedom of Information Act (Code of Virginia, § 2.2-3700 et seq.).

3.6 Quorum. Except as otherwise provided in this article, four members of the commission shall constitute a quorum for the transaction of ordinary business.

3.7 Absence of quorum. If a quorum has failed to attend a meeting of the commission within a half hour after the appointed time for such meeting, those present may adjourn to such time as they deem proper after the names of those present shall have been entered on the minute book.

IV. CONDUCT OF MEETINGS

4.1 Proceedings. At any regular or special meeting of the planning commission, the order of business to come before the meeting shall be as set forth on the agenda sent out with the notice of the meeting, provided, however, that the presiding officer, with the consent of a majority of the commissioners, may change the order of business on the agenda for any reason and bring before the commission any matter not on the agenda.

4.2 Voting. At all meetings of the commission, each member present shall be entitled to cast one vote. No action of the commission shall be valid unless authorized by a majority of commissioners present and voting.

4.3 Conflict of interests.

(a) All members of the planning commission are subject to the Virginia State and Local Government Conflict of Interests Act (Va. Code §§ 2.2-3100 et seq.). In the event that any member shall have a financial or personal interest of any kind in a matter before the commission,

regardless of whether such matter has come before the commission for a vote, and aside from an interest in common with any other taxpayer or resident of the City, such member shall disclose that interest and may disqualify self, or shall disqualify self if required by law, from voting on or participating in discussion upon that matter. In the event any other member of the commission or any other person present at the meeting believes that a commissioner has an interest in any matter which disqualifies the commissioner from considering or voting on a matter, such commissioner or other person may bring such question to the attention of the commission. After disclosure by a commissioner or an interest in a matter before the commission, any member of the commission may request a ruling from the Commonwealth's Attorney as to whether or not such interest disqualifies the commissioner from voting on the matter in question, and the ruling of the Commonwealth's Attorney shall be conclusive. Pending such ruling, the commission may proceed to act on said matter, and the commissioner alleged to be disqualified from voting on the matter may vote, but the record shall note that such vote has been challenged. If such vote affects the outcome of the commission's recommendation, once the opinion of the Commonwealth's Attorney has been received, if the ruling is that a conflict existed, the commission shall so report to the council which may request the Commonwealth's Attorney to investigate the matter further to ascertain if charges should be brought against any party for violation of applicable state law.

(b) A member of the planning commission is entitled to have the commission consider and decide matters in which that member has a financial or personal interest. In such a case, the member shall disclose such interest, and shall refrain from voting on the matter and from any participation in its discussion or consideration by the planning commission, except that the member may make any statement before the commission that could be made by any member of

the general public interested in the matter. A member who has a matter before the commission may have a co-owner, architect, engineer, attorney or other representative appear before the commission on such matter.

4.4 Parliamentary rules; exceptions. The proceedings of the commission shall be governed by the most current edition of Robert's Rules of Order. No suspension of these rules shall be made except by the consent of five members. Failure to obtain five votes to suspend a rule shall operate to postpone the question to the next meeting, when this rule may be suspended by a vote of four members.

4.5 Duties of presiding officer. The presiding officer of the commission shall enforce the rules of the commission, preserve order and decorum, appoint all committees, not otherwise provided for, and discharge such other duties pertaining to the office.

4.6 Questions of order and appeal. (a) The presiding officer shall decide questions of order and may, without vacating the chair, give reasons for such decisions.

(b) From any decision of the chair, an appeal may be made to the commission, the question being, "Shall the decision of the chair be sustained as the decision of the commission?"

(c) Upon such appeal, no debate shall be allowed, if it refers to a question of decorum, but, if it relates to the priority of business, or to the relevancy or applicability of propositions, the appeal may be debated.

4.7 Statement of questions; declaration of results. Questions shall be distinctly presented in accordance with Robert's Rules. The presiding officer shall declare all votes.

4.8 Leaving meetings prior to adjournment. If a member of the commission at any meeting has been recorded as present, such member shall not, without permission of the chair

and notification to the recording secretary, leave such meeting until its adjournment.

4.9 Conduct in addressing body. Every member of the commission speaking in a commission meeting shall confine any remarks to the question before the commission and avoid all personal or indecorous language. No discussion of a sectarian or political nature shall be allowed. No member shall interrupt another while speaking, except to make a point of order, the point to be briefly stated to the presiding officer.

4.10 Order of recognition by chair. When two members of the commission, during a commission meeting, speak at the same time, the chair shall name the one to speak. In all cases, the member first speaking and addressing the chair shall speak first.

4.11 Number and length of speeches. No member of the commission shall speak more than once on the same question until every member choosing to speak shall have done so, nor more than twice, nor for a longer time than 5 minutes on any question without the permission of the commission.

4.12 Calls to order for violations of rules. If in speaking, any member of the commission violates the rules of the commission, the chair shall issue a call for order. If there is no appeal, the decision of the chair shall be followed. If the decision is in favor of the member called to order, such member may proceed; if otherwise, such member shall not proceed except by leave of the commission.

4.13 Creating disturbances during meetings. No member of the commission shall, while the commission is sitting, interrupt or hinder its business by standing up, moving about, talking, expressing approval or disapproval of any of the proceedings, or by any other conduct tending to disorder or confusion. Commissioners are also urged to turn off or silence all cell

phones and pagers.

4.14 Addresses by nonmembers. No person who is not a member of the commission shall orally address it until leave to do so has been applied for through a member of the commission and granted by it, or until invited to do so by the presiding officer.

4.15 Motions, etc. - Stating before discussing; withdrawing. When a motion is made and seconded before the commission, it shall be stated by the presiding officer before it is debated. A motion or proposition may be withdrawn by the mover, with consent of the second, at any time before it is decided, amended or otherwise acted upon by the commission.

4.16 Same - While questions under debate. When a question is under debate by the commission no motion shall be entertained unless specially provided for, except the following, which shall take precedence in the order given:

- (1) To adjourn, to be made without preliminary remarks, and decided without debate.
- (2) To lay on the table, to be decided without debate.
- (3) For the previous question, to be decided without debate.
- (4) To postpone, either indefinitely, or to a day or hour certain.
- (5) To refer or recommit.
- (6) To substitute or amend.
- (7) To adopt or approve.

4.17 Same - To reconsider. In all cases in the commission a motion to reconsider will be entertained only when made by a member who voted with the prevailing side. A majority of those present can reconsider any vote. A motion to reconsider shall have precedence over all other questions, and when it has once been put and lost, it shall not be renewed.

4.18 Same - When motion to adjourn in order. A motion to adjourn shall always be in order in the commission, except when a member has the floor, when the commission is engaged in voting, when the previous question has been ordered, or when the motion to adjourn has been put and lost and no other business has intervened.

4.19 Previous question - Motion. Any member of the commission who obtains the floor during debate, and submits no other motion or remark, may move for the previous question, which motion, if seconded, shall forthwith be put to the commission. If the motion for the previous question be not carried, debate may continue as if the motion had not been made.

4.20 Same - Form. The previous question shall be presented to the commission in this form: "Shall the main question now be put?" If carried, its effect shall be to end all debates and bring the commission to a direct vote upon a motion to commit, if pending; then upon pending amendments, if any; and then upon the main question.

4.21 Majority vote to govern unless otherwise provided. In all matters pending before the commission, a majority shall govern, except in cases where it is otherwise specially provided.

4.22 Recorded vote. The vote on any question shall be taken by ayes and noes and individually recorded.

4.23 Failure to vote; members with personal interest disqualified. A member of the commission who is present at a meeting and fails to vote when the "ayes" and "noes" are taken, shall be entered on the minute book as present and not voting. No member shall either vote or be counted in violation of the State and Local Government Conflict of Interests Act (Code of Virginia, § 2.2-3114 et seq.).

4.24 Dissents to ordinances, resolutions, etc. Any member of the commission shall

have the liberty to dissent from or protest against any ordinance, resolution or order of the commission and have the reason of for such dissent entered upon the record.

4.25 Elections within commission generally. (a) At all elections by the commission, the voting shall be viva voce, and each member shall be entitled to one vote. Only one person shall be elected at a time, except with the consent of all members present. If, on any vote, no one receives a majority of all the votes, the name of the person receiving the smallest number of votes shall be dropped, and shall not again be put in nomination until a vote intervenes.

(b) At each election the roll may be called by the commission in alphabetical order. Each member shall vote when such member's name is called, unless excused or disqualified.

4.26 Style of resolutions. The style in which any resolutions shall be passed shall be: "Be it resolved by the Waynesboro Planning Commission."

4.27 Certain resolutions to be in writing. Resolutions which constitute recommendations to the City Council shall be introduced in writing, following which they may be amended or considered in accordance with Robert's Rules.

4.28 General Procedure. General format for dealing with an agenda item involving a citizen request, subject to City Code and Robert's Rules, shall be as follows:

(a) Chair introduces the matter and confirms receipt of the staff report.

(b) Petitioner is asked to speak in favor of the request. Individual Commissioners are invited to question petitioner and/or staff.

(1) Chair should announce whether or not an official public hearing is being held on the matter. If not, the Commission may still desire to hear individual comments from visitors. Those who have spoken at the public hearing should be

invited to limit their comments to new information not previously presented, but the commission will generally hear all who desire to speak.

(2) Speakers should be asked to state their names and addresses at the beginning of their statements for the purpose of the minutes. All speakers should be reminded that their comments must be addressed to the Chair.

(3) The Chair may invoke a time limit on the time allowed for each speaker.

(c) Comments from those in favor of request are invited.

(d) Comments from those in opposition to request are invited.

(e) Petitioner's response to comments.

(f) Staff recommendation is requested.

(g) Motion is entertained.

(h) Motion is seconded.

(i) Commissioners discuss matters among themselves with chair presiding.

(j) Chair or other commissioner calls the questions.

(k) Vote is taken.

(l) Chair announces vote and result.

V. COMMUNITY PARTICIPATION

5.1 Advertising. All meetings of the planning commission will be advertised as required by City and State Code of Virginia and with such additional advertising as the commission may from time to time direct.

5.2 Citizen Advice and Participation. The commission will make efforts to encourage participation of citizens of the community on matters affecting neighborhoods or with citywide implications, and in pursuance thereof may appoint special task forces or committees to

study and resolve specific issues, may order special notices or public hearings on particular matters and utilize similar devices to effect the purposes herein stated. Committees of three or more members are subject to meeting and notice requirements of the Virginia Freedom of Information Act.

VI. COMMITTEES

6.1 Committees - Appointment. The chair of the commission shall appoint all special committees unless otherwise ordered by the commission. Committees of three or more members are subject to meeting and notice requirements of the Virginia Freedom of Information Act. Vacancies on committees shall be filled in like manner.

6.2 Same - Reports. Every committee of the commission shall, unless otherwise ordered, report at the next regular meeting upon the subject matter referred to it, or show good cause why such report is not made.

VII. AMENDMENTS

7.1 Amendments. Amendments to their bylaws may be approved by vote of a majority of the commission at any meeting provided notice of such proposed amendment was given to each member of the commission in writing at least five days prior to such meeting.

7.2 Ratification. No amendment to these bylaws passed under Section 7.1 hereof shall take effect until it shall have been ratified by an affirmative vote of City Council.

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