County of Powhatan, Virginia

BOARD OF SUPERVISORS
BYLAWS

BOARD GOVERNANCE AND OPERATION

The following bylaws for the Board of Supervisors for Powhatan County (Board) are adopted this 4th day of January 2016. These bylaws, and any amendments thereof, shall be valid for a period of four (4) years and shall terminate upon the election of a new Board.

I. BOARD OFFICERS

The officers of the Board shall be a Chairman and Vice-Chairman.

A. Board Chairman
The duties of the Chairman shall be to preside at all meetings of the Board, to perform such other duties as may be prescribed by law or by action of the Board, and sign all legal documents approved by the Board. The Chairman, as a member of the Board, has a vote on all matters before the Board which come to a vote, but does not have an additional vote as Chairman in case of a tie. The Chairman shall maintain order and decorum at all meetings.

B. Vice-Chairman
The Vice-Chairman, if present, shall preside in the absence of the Chairman, and shall be empowered to act in all matters in case of the absence or inability of the Chairman to act, or as provided by resolution of the Board. If neither the Chairman nor Vice-Chairman is present for a meeting, but a quorum is present, the senior member of the quorum shall chair the meeting.

Senior member shall mean the member of the Board with the longest tenure on the Board. If multiple members have equal tenure, then the senior member shall be determined by alphabetical order of the last names of those having equally long tenure.

II. BOARD ORGANIZATIONAL MEETING

The Board shall organize annually by the election of officers at the first meeting held in January. The term of office for officers shall be one year. The officers shall serve until the next Board organizational meeting. If new officers are not elected at any such organizational meeting, the existing officers shall continue to serve until such time as new officers are elected.

The first order of business at the organizational meeting shall be the election of the Chairman. The new Chairman shall then assume office and preside over the remainder of the meeting.

The agenda for the organizational meeting shall include setting time, place and dates of regular Board meetings and other items of annual business as appropriate.

III. BOARD COMMITTEES

A. The Board does hereby establish the following standing committee to assist the Board in the performance of its duties:

   1. Audit/Finance Committee

B. There shall be two (2) members of each Committee, and the members of each Committee will be appointed by the Chairman, with the advice and consent of the Board members. The Chairman, with the advice and consent of the Board, shall assign the tasks and responsibilities to be delegated to each Committee.

C. The Board may, from time to time, establish other committees to assist the Board in the performance of its duties.

IV. BOARDS AND COMMISSIONS

Unless specifically prohibited by state law, it shall be the policy of the Board that any member of a Board appointed board or commission who is absent from any three consecutive meetings of that board or commission, or is absent from any four meetings of that board or commission within any 12-month period shall be removed from office and a replacement member be appointed to fill the remainder of the term of office.

V. BYLAWS

A. Amendments to the Bylaws require one month's notice of the proposed amendment in writing to all Board members, and an affirmative vote of 4 of 5 members to pass the amendment.

B. The Bylaws shall not be suspended except by a 75% vote of those present, and cannot be suspended at a special meeting unless all Board members are present.

VI. MEETING PREPARATION AND PROCEDURE

A. Agenda Preparation

   1. The Clerk, under the direction of the County Administrator and Chairman shall prepare and distribute an agenda for the forthcoming meeting together with the minutes of the previous meeting to members of the Board five (5) calendar days prior to a regularly scheduled Board meeting. The Clerk also provide the press with and post on the County web site a copy of the proposed agenda at least five (5) calendar days prior to the regularly scheduled Board meeting.

   2. Any Board member may request items for inclusion on the agenda by presenting a request to the Chairman at least seven (7) calendar days prior to a meeting.

3. Nothing may be added to the agenda once it has been provided to the Board and the press unless there is at least a 75% vote of the Board members present at the meeting to add the item to the agenda.

4. Those items determined by the County Administrator, in consultation with the Chairman, to be administrative in nature may be placed on the Consent Agenda.

5. Any supervisor may object to an item being addressed on the consent agenda by notifying the Chairman (who shall notify the County Administrator) of their desire to move the item from the consent agenda to the action items on the agenda. Any such notification must be provided to the Chairman no later than Noon the day of the meeting. An email message shall suffice as adequate notice.

B. Order of Business

The normal order of business at meetings shall be as follows:

1. Call to Order and Roll Call
2. Invocation
3. Pledge of Allegiance.
4. Requests to Postpone Agenda Items and Additions, Deletions or Changes in the Order of Presentation
5. Formal Approval of Agenda
6. Public Comment
7. Consent Agenda
8. Appointment to Boards, Commissions, Committees
9. Old Business
10. New Business
11. Certificates of Appreciation, Special Resolutions and Proclamations
12. Public Hearings – Time Certain 7:00 PM
13. Public Comment
14. County Attorney Comments
15. County Administrator Comments
16. Board Comments
17. Closed Meeting
18. Certification of Closed Meeting
19. Adjournment

The Board reserves the right to add, remove, or change the order of business as needed.

C. Quorum/Call to Order

1. Quorum

At any meeting of the Board a majority of the members of the Board shall constitute a quorum. Should a quorum not be assembled at the appointed hour, the members present may adjourn temporarily in order that an opportunity may be given for a quorum to assemble, without which business cannot be legally transacted. It shall be at the Chairman's discretion to cancel the scheduled meeting when he deems it appropriate having allowed time to elapse, but no more than thirty (30) minutes from the time the meeting was to begin.

2. Attendance

All Board Members are encouraged to notify the Chairman (who shall notify the County Administrator) as soon as possible if they are unable to attend a meeting, and in any case such notice should be provided no later than Noon on the day of the meeting.

3. Call to Order

Should a quorum be assembled at the hour and place appointed for the meeting, the Chairman, or in the absence of the Chairman, the Vice-Chairman shall assume the chair and declare the meeting in order. Should a quorum be assembled at the hour appointed and the Chairman and Vice-Chairman are absent, the senior member present shall chair the meeting.

D. Board Minutes and Recording Votes

1. The minutes of the actions and deliberations of the Board shall be kept by the Clerk of the Board, these minutes shall be a permanent record of the Board. The minutes shall become official minutes upon the approval of the Board and shall be maintained in the safekeeping of the Clerk who shall see that they are available for general public examination during the hours that the office is open.

2. The minutes shall constitute the actions and votes of the Board, and not include an exact written transcription of all that was said at the meeting. The audio and/or video recordings of meetings shall be made available on the County web site and at the administration building for a period of 12 months.

3. In content and style, the official minutes shall be as brief and simple as possible and still retain the essential facts of each meeting. A record of all motions and amendments thereto offered, the disposition thereof and the vote thereon, shall be recorded by name. All matters required by law, schedules of accounts and bills acted upon and approved by the Board shall be properly recorded. A record of all persons making presentations and the subject of their presentation shall be noted.

4. Taking of the minutes shall be the responsibility of the Clerk and/or Deputy Clerk. Following proper editing, these unofficial minutes shall be sent to Board members prior to the next regular Board meeting. Minutes of the previous Board meeting shall

not be read to the Board except for the purpose of corrections or omissions. An early procedural matter on the agenda shall be the adoption of the minutes of the previous meeting.

E. Tie Votes

1. All questions submitted to the Board shall be determined by a majority of the members voting on the question. In any case in which there shall be a tie vote of the Board, the question shall be passed by until the next regular meeting when it shall again be voted upon even though all members are not present. There shall be no special meetings to address an issue in which there was a tie vote, unless all members agree or the issue is time sensitive and must be resolved prior to the next regular meeting of the Board.

2. In any case in which there is a tie vote after complying with this procedure, the tie vote shall defeat the motion, resolution or issue voted upon.

F. Public Comment Period

1. The Board shall have two public comment periods at its regular meetings. The public comment periods shall be limited to thirty (30) minutes, unless unanimous consent of the Board is given to extend time, and a person shall be given three (3) minutes to speak and a person officially representing a group shall be given five (5) minutes to speak. The Chairman may give an individual or group one (1) additional minute to speak and if such time is granted for one person, it shall be granted for any other person requesting the time.

2. No person shall be allowed to speak twice at any one public comment period.

3. People speaking before the Board may not be vulgar, rude or use profane language. The public may speak on any issue that is germane to county business. The public comment period shall not include criticism of specific individuals, or attacks on any person or group (the members of the Board are exempted). No political campaigning or promoting of a business is permitted.

4. Any item scheduled for a specific public hearing shall not be addressed during the public comment period.

G. Board Conduct

The members of the Board shall behave in an orderly and decorous manner, and the Board may punish or fine any member for disorderly behavior.

VII. RULES OF ORDER FOR MEETINGS

In the conduct of all meetings, the Board shall follow Robert's Rules of Order, except as provided below:

A. All ordinances and resolutions submitted to the Board for decision shall be presented by appropriate motion of a member, seconded by another member, and determined by a roll call vote of a majority of the members present and voting. On all other matters presented to the Board, the Chairman may request a motion but there shall be no need for a second. The Clerk shall record the name of each member voting and how he voted.

B. The Chairman may make a motion.

C. Any motion to defer an issue to a later date shall be date specific.

D. The Deputy Sheriff providing security at each Board meeting shall act as the sergeant at arms and if no deputy is present, then the Chairman can designate a sergeant at arms to maintain order if needed.

VIII. REMOTE PARTICIPATION IN BOARD MEETINGS

A. It is the policy of the Board of Supervisors that individual Board members may participate in meetings of Board of Supervisors by electronic communication means from a remote location that is not open to the public only as permitted by Virginia Code § 2.2-3708.1, as amended, and in compliance with this policy. This policy shall apply strictly and uniformly to the entire membership 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.

B. An individual member may participate from a remote location only if a quorum (3 members) of the Board of Supervisors is physically assembled at the primary or central meeting location, and the Board has made arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

C. Remote participation in a meeting due to an emergency or personal matter may be approved only if, before Noon on the day of the meeting, the requesting member notifies the Chairman of the Board 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.

D. Remote participation in a meeting due to a temporary or permanent disability or other medical condition may be approved only if, before Noon on the day of the meeting, the requesting member notifies the Chairman of the Board that such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.

E. As required by law, in the event of any such participation by a member from a remote location, the Board shall record in its minutes the specific nature of the emergency,

personal matter, temporary or permanent disability or other medical condition, and the location from which the Board member participated remotely.

F. As required by law, remote participation that is due to an emergency or personal matter shall be limited in each calendar year for each individual member to two (2) meetings or 25 percent of the meetings of the Board, whichever is fewer.

G. An individual member's request for participation from a remote location under this policy shall be considered approved upon communicating the request to the Chairman of the Board, pending review by the County Attorney for compliance with the Code of Virginia and this policy. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

IX. CLOSED MEETINGS

Any item(s) for discussion in closed session shall be clearly identified no less than five (5) calendar days before the scheduled Board meeting. Details as to the specific item(s) to be discussed, and any documents that will be considered or reviewed in the closed session shall be provided to the Board at least five (5) calendar days prior to the regularly scheduled Board meeting. Any item(s) not so timely identified shall not be discussed in closed session unless a minimum of 75% of the Board members vote to permit a discussion of an item not previously disclosed as required. All closed session information provided to the members of the Board shall be held as strictly confidential.

X. SPECIAL MEETINGS

A. The Board may hold special meetings when necessary. These meetings shall be held when called by the Chairman on the request of the County Administrator or when requested by two members. Special meetings may be called provided each member is duly notified, or a reasonable attempt has been made to notify each member.

B. Business that does not come within the purposes set forth in the call of the meeting shall not be transacted at any special meeting of the Board unless unanimous agreement is given to consider additional items of business and all members are present.

XI. POSTPONEMENTS

If the Chairman, in consultation with the County Administrator, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting, the meeting shall be postponed and all items on the agenda shall be deferred one week to the following Monday. If the following Monday falls on a holiday, the agenda shall be deferred one week and one day to the following Tuesday. . Such finding shall be communicated to the members and the press as promptly as possible and all reasonable efforts shall be made to notify the public including, but not limited to, providing such notice on the County web site or by electronic means.

XII. COUNTY STAFF

A. COUNTY ADMINISTRATOR

The County Administrator has been delegated the task of managing and supervising county personnel. The individual Board members are therefore encouraged to avoid making any requests to perform tasks or providing any instruction to county staff directly, but should instead make all such requests to the County Administrator. Board members may make requests to county staff for copies of existing documents, data and information.

As a direct employee of the Board, the County Administrator shall be available for consultation by all Board members, and shall provide all members of the Board equal access to all information, staff, and county resources to assist them in the performance of their duties as members of the Board.

B. COUNTY ATTORNEY

1. The Board shall maintain an open door policy with the County Attorney. Members may contact the County Attorney directly for advice or direction on matters related to County business. The opinion of the County Attorney shall go directly to the requesting member and no copy shall be provided to the other members of the Board. If the requesting member decides to take an opinion of the County Attorney to Board action, all of the members of the Board of Supervisors shall be provided with a copy of the opinion (if in writing).

2. The County Administrator may ask the County Attorney for an opinion on any issue concerning County business at any time. Any opinions issued by the County Attorney to the County Administrator shall not be forwarded (by the County Attorney) to the members of the Board of Supervisors unless specifically requested by a member of the Board.

3. The County Attorney shall act as the Parliamentarian at Board of Supervisor meetings.

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON JANUARY 4, 2016.

William E. Melton, Chairman
Powhatan County Board of Supervisors

ATTEST:

Patricia A. Weiler, Clerk
Powhatan County Board of Supervisors

Recorded Vote:

David T. Williams	**Aye**
Larry J. Nordvig	**Aye**
Angela Y. Cabell	**Aye**
William E. Melton	**Aye**
Carson L. Tucker	**Aye**