

# **Albemarle County Board of Supervisors**

## **Rules of Procedure**

Adopted \_\_\_\_\_, 2019

## Rules of Procedure of the Albemarle County Board of Supervisors

**Comment:** The County Attorney's Office developed style guidelines for its initiative to rewrite the County Code. The style changes in these Rules incorporate some of those style guidelines.

### 1. Purpose

- A. **General.** The purpose of these Rules of Procedure (the "Rules") is to facilitate the timely, efficient, and orderly conduct of public meetings and decision-making, and they are designed and adopted for the benefit and convenience of the Albemarle County Board of Supervisors (the "Board").
- B. **Rules Do Not Create Substantive Rights in Others.** The Rules do not create substantive rights in third parties or participants in matters before the Board.
- C. **Compliance with These Rules.** The Rules that are parliamentary in nature are procedural, and not jurisdictional, and the failure of the Board to strictly comply with ~~the procedural rules shall~~ them does not invalidate any action of the Board. The Rules that implement the requirements of State law are jurisdictional only to the extent that Virginia law makes them so.

### 2. Board Members Supervisors

**Comment:** The reason for this change is two-fold. The first reason is because the title of the office is "Supervisor." The second reason is to standardize the references to that office in these Rules. The current and presumably earlier versions of the Rules uses "Board member," "member," "member of the Board," and "Supervisor."

- A. **Equal Status.** Except for the additional responsibilities of the Chair provided in Rule 3(A), all ~~Board members~~ Supervisors have equal rights, responsibilities, and authority.
- B. **Decorum.** ~~Members~~ Each Supervisor will act in a collegial manner and will cooperate and assist in preserving the decorum and order of the meetings.

### 3. Officers and Their Terms of Office

- A. **Chair.** When present, the Chair shall preside at all Board meetings during the year for which elected. The Chair shall have a vote but no veto. (Virginia Code §§ 15.2-1422 and 15.2-1423) The Chair shall also be the head official for all of the Board's official functions and for ceremonial purposes.
- B. **Vice-Chair.** If the Chair is absent from a Board meeting, the Vice-Chair, if present, shall preside at the meeting. The Vice-Chair shall also discharge the duties of the Chair during the Chair's absence or disability. (Virginia Code § 15.2-1422)
- C. **Acting Chair in Absence of Chair and Vice-Chair.** If the Chair and Vice Chair are absent from any meeting, a present ~~Board member~~ Supervisor shall be chosen to act as Chair.

- D. **Term of Office.** The Chair and Vice-Chair shall be elected for one-year terms, but either or both may be re-elected for one or more additional terms. (Virginia Code § 15.2-1422)
- E. **References to the Chair.** All references in these Rules to the *Chair* include the Vice-Chair or any other ~~Board member~~ Supervisor when the Vice-Chair or the other member is acting as the Chair.

#### 4. **Meetings**

- A. **Annual Meeting.** The *Annual Meeting* is the first meeting in January held after the newly elected members of the Board Supervisors qualify for the office by taking the oath and meeting any other requirements of State law, and the first meeting held in January of each succeeding year. At the Annual Meeting, the Board shall:
1. **Elect Officers.** Elect a Chair and a Vice-Chair.
  2. ~~**Designate Clerks.** Designate a Clerk and one or more Deputy Clerks who shall serve at the pleasure of the Board, who shall have the duties stated in Virginia Code § 15.2-1539 and any additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code § 15.2-1416)~~

**Comment:** The designation of the Clerk at the Board's annual meeting has long been the practice of the Board. However, the Clerk is appointed by the Board under Virginia Code § 15.2-1538, just as the County Executive and the County Attorney are appointed under other sections of the Virginia Code. Staff recommends that this provision be deleted. The status of the deputy clerk will be addressed through amendments to the County's personnel policies or through a contract.

3. ~~**Establish Schedule for Regular Meetings.** Establish the days, times, and places for regular meetings of the Board for that year. (Virginia Code § 15.2-1416)~~
4. ~~**Establish Dates for Hearings on Zoning Text Amendments.** Establish the days on which public hearings may be held on citizen-initiated zoning text amendments.~~

**Comment:** Citizen-initiated zoning text amendments were eliminated as part of the Board's adoption of a major zoning text amendment in 2018. Therefore, this provision can be deleted. Citizens continue to be able to request Supervisors to ask the Board to initiate zoning text amendments.

5. **Adopt Rules and Policies.** Adopt Rules of Procedure and ~~Board~~ Policies that will apply in the calendar year, subject to amendment under Rule 12.
- B. **Regular Meetings.** *Regular Meetings* are those meetings established at the Annual Meeting to occur at on specified days, and at specified times, and places.
1. **Regular Meeting Falling on a Holiday.** If any day established as a Regular Meeting day falls on a legal holiday, the meeting scheduled for that day shall be held on the next regular business day without action of any kind by the Board. (Virginia Code § 15.2-1416)
  2. **Adjourning a Regular Meeting.** A regular meeting, ~~w~~Without further public notice, ~~the Board may adjourn a Regular Meeting may be adjourned~~ from day to day, ~~or~~ from time to time, ~~or~~ from place to place, but not beyond the time fixed for the next ~~Regular Meeting~~ Regular Meeting, until the business of the Board is complete. (Virginia Code § 15.2-1416) If a quorum was not established or was lost during the meeting, the ~~Board members~~ Supervisors present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).

3. **Continuing a Regular Meeting When Weather and or Other Conditions Create a Hazard.** If the Chair finds and declares that weather or other conditions are hazardous for ~~Board members~~ Supervisors to attend a ~~Regular Meeting~~, the meeting shall be continued to the next ~~Regular Meeting~~ date. The Chair's finding, and the continuation of the meeting, shall be communicated by the Chair or the Clerk of the Board (the "Clerk") to the other ~~Board members~~ Supervisors and to the general news media as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement shall be required. (Virginia Code § 15.2-1416)
  4. **Establishing a Different Day, Time, and Place of a Regular Meeting.** After the Annual Meeting, the Board may establish different days, times, ~~or~~ and places for Regular Meetings by passing a resolution to that effect, ~~in accord with~~ (Virginia Code § 15.2-1416).
- C. **Special Meetings.** A Special Meeting is a meeting that is not a Regular Meeting. The Board may hold ~~sSpecial Meetings~~ as it deems necessary at times and places that it deems convenient. (Virginia Code § 15.2-1417)
1. **Calling and Requesting a Special Meeting.** A special meeting shall be held when called by the Chair or requested by two or more ~~Board members~~ Supervisors. The call or request shall be made to the Clerk and shall specify the matters to be considered at the meeting. (Virginia Code § 15.2-1418)
  2. **Duty of Clerk to Provide Notice; When Notice May Be Waived.** Upon receipt of a call or request, the Clerk, after consultation with the Chair, shall immediately notify each ~~Board member~~ Supervisor, the County Executive, and the County Attorney about the Special Meeting. The notice shall be in writing and be delivered to the person or to his each Supervisor, the County Executive, and the County Attorney at their place of residence or business, or if requested by a Board member, by email or facsimile. Any Supervisors may request that the notice be delivered to him or her by email or facsimile in lieu of personal delivery. The notice may be waived if all Supervisors are present at the Special Meeting or if all Supervisors sign a waiver for the notice. (Virginia Code § 15.2-1418) The Clerk shall also notify the general news media about the Special Meeting.
  3. **Contents of the Notice Provided by the Clerk.** The notice provided by the Clerk shall state the date, time, and place of the meeting and shall specify the matters to be considered. ~~The notice may be waived if all members are present at the special meeting or if all members sign a waiver for the notice. (Virginia Code § 15.2-1418)~~ The Clerk shall also notify the general news media of the time and place of the special meeting and the matters to be considered.
  34. **Matters That May Be Considered.** Only those matters specified in the notice shall be considered at a ~~sSpecial Meeting~~ unless all ~~Board members~~ Supervisors are present. (Virginia Code § 15.2-1418)
  45. **Adjourning a Special Meeting.** A ~~sSpecial Meeting~~ may be adjourned from time to time as the Board finds necessary and convenient to complete the business of those matters identified in the notice of the Special Meeting. (Virginia Code § 15.2-1417) If a quorum was not established or was lost during the meeting, the ~~Board members~~ Supervisors present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).

## 5. Order of Business for Regular Meetings

A. **Establishing the Agenda.** The Clerk of the Board shall establish the agenda for all Regular Meetings in consultation with the County Executive and the Chair. The County Executive and the Clerk shall review the agenda with the Chair and the Vice Chair prior to the meeting. The Clerk shall set the order of business as provided in Rule 6(B), provided that the Clerk may modify the order of business to facilitate the business of the Board. The draft agenda shall be provided to the Board 6 days prior to the Regular Meeting date.

1. **Resolutions Proposed by Board Members.** Resolutions may be proposed by a Board member Supervisor requesting the Board to take a position on an issue of importance to the Board. A Board member Supervisor requesting the Board to adopt a resolution should give notice of the intent to request action on the resolution on a specified meeting date and submit a draft of the proposed resolution. The Clerk will distribute the draft resolution with background information, if available, to all Board members Supervisors. Board members Any Supervisor may submit proposed changes to the proposed resolution to the Clerk in a redline format. The Clerk shall forward all comments received from any Board member Supervisor to the Board. The Board member Supervisor requesting the resolution will then coordinate with the Clerk to prepare a resolution for consideration by the Board. The Clerk shall poll the Board members Supervisors to determine if a majority of the Board members Supervisors supports adding the resolution to the agenda for consideration. If a majority of the Board members Supervisors indicate support for considering the resolution, the resolution will be added to the proposed final agenda. If all Board members Supervisors indicate support for the resolution, the resolution may be placed on the proposed consent agenda unless any member requests otherwise.

### 2. **Other Items Proposed To Be Added to the Clerk's Draft Agenda by Board Members.**

a. **By Board Members.** Any Board member Supervisor may propose to add items, other than Resolutions subject to Rule 5(A)(1), to the Clerk's draft agenda for action if notice of that item has been given in writing or by email to all Board members Supervisors, the Clerk, and the County Executive by 5:00 p.m. 2 two days before the date of the meeting or upon the unanimous consent of all Board members Supervisors present. Any item that has been timely proposed and properly noticed shall be added to the end of the agenda for discussion or action unless a majority of the Board members Supervisors present agree to consider the item earlier on the agenda.

b. **By the County Executive.** The County Executive may add items to the Clerk's draft agenda for action at any time if the item requires consideration and action by the Board at its next meeting.

**Comment:** Subsection (b) is proposed at the suggestion of the County Attorney to ensure that items may be added to the Board's agenda at the last minute when timely Board action is needed. Examples of the types of items appropriate to be added by the County Executive include actions pertaining to economic development opportunities and grant applications.

3. **Proclamations and Recognitions Proposed by Citizens.** A request by a citizen to place a proclamation or recognition on the agenda must be made at least 4 four weeks in advance of the Board meeting date. The citizen shall submit the request to advance a proclamation or recognition ~~shall be submitted~~ to the Clerk. If the request is made to a Board member Supervisor, the person making the request will be directed to make the request to the Clerk. The Clerk will advise the person making the request of the process and submittal requirements. Upon submittal of the request, the Clerk will review the

submittal for completeness and forward it to ~~the Board members~~ Supervisors for review. The Clerk shall poll ~~Board members~~ Supervisors to determine if whether a majority of the Board supports adding the proclamation or recognition to the agenda. The Clerk will advise the person requesting the proclamation or recognition whether the proclamation or recognition will be considered by the Board.

**4. Public Hearings for Zoning Map Amendments; Prerequisites.** Public hearings for zoning map amendments are subject to the following rules in order for the item to be placed on the agenda and heard by the Board:

**a. Public Hearing Should Not Be Advertised Until Final Documents Are Received.**

The Board's preference is that a public hearing for a zoning map amendment should not be advertised until all of the final documents for a zoning application have been received by the County and are available for public review. To satisfy this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County no later than 2 two business days prior to the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks' advance notice of the deadline.

**b. Effect of Failure to Timely Receive Final Documents.** If the County does not timely receive the required final documents, the public hearing shall not be advertised and the matter shall not be placed on the agenda unless the applicant demonstrates to the satisfaction of the Director of Community Development that good cause exists for the public hearing to be advertised. If the matter is not advertised, a new public hearing date will be scheduled.

**c. Receipt of Final Signed Proffers.** Final signed proffers shall be submitted to the County no later than 9 nine calendar days prior to the date of the advertised public hearing. This policy is not intended to prevent changes from being made to proffers resulting from comments received from the public or from ~~Board members~~ Supervisors at the public hearing.

**5. Public Hearings; Zoning Map Amendments; Deferral at Applicant's Request.** Zoning map amendments advertised for public hearing shall be on the agenda for public hearing on the advertised date, provided that an applicant may request a deferral as provided in County Code § 18-33.52 et seq. follows:

**~~a. First Request Received Prior to Noon on the Wednesday of the Week Before the Public Hearing; Approval by Clerk; Matter Removed from Agenda.~~** If an applicant submits its first signed written deferral request and it is received by the Clerk no later than noon on the Wednesday of the week prior to the scheduled public hearing, the Clerk will administratively grant the request and remove the matter from the Agenda. The Board will be notified of the deferral in the next Board package and the deferral will be announced at the earliest possible Board meeting to alert the public of the deferral. The staff also will make every effort to alert the public when a deferral is granted.

**~~b. Subsequent Request or Request Received Later Than Noon on the Wednesday of the Week Before the Public Hearing; Matter Remains on Agenda.~~** Any subsequent request for deferral for the same application previously deferred, or any request received by the Clerk later than noon on the Wednesday of the week prior to

~~the scheduled public hearing, will be granted only at the discretion of the Board by a majority vote of those Board members present and voting. In considering whether to grant the deferral, the Board shall consider whether the reason for the deferral justifies the likely inconvenience to the public caused by the deferral. The staff also will make every effort to alert the public when a deferral is granted.~~

**Comment:** The procedure for an applicant requesting to defer a zoning map amendment was significantly changed as part of the Board's adoption of a major zoning text amendment in 2018.

**B. Order of Business at Regular Meetings.** At ~~Regular~~ Meetings of the Board, the order of business shall generally be as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of the Final Agenda.
5. Brief Announcements by ~~Board members~~ Supervisors.
6. Proclamations and Recognitions.
7. From the Public: Matters Not Listed for Public Hearing on the Agenda.
8. Consent Agenda.
9. General Business.
10. From the Board: Committee Reports and Matters Not Listed on the Agenda.
11. From the County Executive: Report on Matters Not Listed on the Agenda.
12. Adjourn.

**C. Closed Meetings.** A ~~Closed~~ Meeting may be held at any point on the agenda, as necessary. Generally, a ~~Closed~~ Meeting will be scheduled either at the midpoint of the agenda or at the end of the agenda prior to adjournment.

## **6. Rules Applicable to the Items of Business on the Agenda**

**A. Adoption of the Final Agenda.** *Adoption of the Final Agenda* is the first order of business for a ~~Regular~~ Meeting of the Board. The Board may modify the order of business as part of its adoption of the ~~Final~~ Agenda. Any changes to the Consent Agenda should be made when the Final Agenda is adopted. The ~~Final~~ Agenda shall must be adopted by a majority vote of the ~~Board members~~ Supervisors present and voting. No matter for action not included on the ~~Final~~ Agenda shall be considered at that meeting.

**Comment:** The proposed change expressly addresses a gap in the Board's procedures.

**B. Brief Announcements by Board members Supervisors.** *Brief Announcements by Board members Supervisors* are announcements of special events or other items of interest that are not considered committee reports and are not otherwise on the meeting agenda.

**C. Proclamations and Recognitions.** *Proclamations* are ceremonial documents or recognitions adopted by the Board to draw public awareness to a day, week, or month to recognize events, arts and cultural celebrations, or special occasions. *Recognitions* are ceremonial acknowledgements by the Board of a person for service or achievement.

**D. From the Public: Matters Not Listed for Public Hearing on the Agenda.** *From the Public: Matters Not Listed for Public Hearing on the Agenda* allows any member of the public to speak on any topic of public interest that is not on the agenda Final Agenda for a public hearing at that meeting. The following rules apply:

1. **Time.** Each speaker may speak for up to 3 three minutes, provided that if the anticipated number of speakers may exceed 10, or for other reasons related to the Board efficiently conducting its business, the Chair may reduce the amount of time allowed for each speaker to speak to 2 two minutes.
  2. **Place.** Each speaker shall speak from the podium.
  3. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker shall comply with Rules 6(D)(1) and 6(D)(2), shall address the Board and not the audience, and shall not engage in speech or other behavior that actually disrupts the meeting. The speaker may include a visual or audio presentation.
- E. **Consent Agenda.** The *Consent Agenda* shall be used for matters that do not require discussion or comment and are anticipated to have the unanimous approval of the Board.
1. **Questions to Staff.** ~~Board members~~ Supervisors should ask the County Executive or the staff member identified in the executive summary any questions regarding a Consent Agenda item prior to the Board meeting.
  2. **Discussion and Comment.** There shall be no discussion or comment on Consent Agenda items at the Board meeting except as provided in Rule 6(E)(3).
  3. **Removing an Item from Consent Agenda.** Any ~~Board member~~ Supervisor may remove an item from the Consent Agenda. Any item removed from the Consent Agenda shall be moved to a specific time or to the end of the meeting agenda for further discussion or action. An item requiring only brief comment or discussion may be considered immediately after the approval of the Consent Agenda.
  4. **Effect of Approval of Consent Agenda.** A motion to approve the Consent Agenda shall approve those Consent Agenda items identified for action and accept Consent Agenda items identified for information.
- F. **General Business.** *General Business* includes public hearings, work sessions, appointments, and other actions, discussions, and presentations.
1. **Public Hearings.** The Board shall not decide any matter before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the holding of a public hearing or consideration of the matter. The procedures for receiving a presentation from the applicant and comments from members of the public shall be at the discretion of the Board. However, unless otherwise decided by a majority of the Board present during a particular public hearing, the following rules apply:
    - a. **Time.** The applicant shall be permitted up to 10 minutes to present its application. Following the applicant's presentation, any member of the public shall be permitted to make 4 one appearance for that public hearing and speak for up to 3 three minutes on the matter, provided that if the anticipated number of speakers may exceed 10, the Chair may reduce the amount of time allowed for each speaker to speak to 2 two minutes. Following comments by members of the public, the applicant shall be permitted up to 5 five minutes for a rebuttal presentation.



- b. **Place.** The applicant and each member of the public presenting and speaking shall do so from the podium.
- c. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker shall comply with Rules 6(F)(1)(a) and 6(F)(1)(b), shall address the Board, speak to issues that are relevant to the matter for which the public hearing is being held, and shall not engage in speech or other behavior that actually disrupts the meeting. The speaker may include a visual or audio presentation.

2. **Public Hearings; Zoning Map Amendments; Applicant's Documents Not Available During Advertisement Period.** If the public hearing is held without the applicant's final documents being available for review throughout the advertisement period due to the late submittal of documents, or because substantial revisions or amendments are made to the submitted documents after the public hearing has been advertised, it is the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application. In deciding whether to defer action or to deny the application, the Board shall consider whether deferral or denial would be in the public interest or would forward the purposes of this policy.

G. **From the Board: Committee Reports and Matters Not Listed on the Agenda.** *From the Board: Committee Reports and Matters Not Listed on the Agenda* shall be limited to matters that are not substantial enough to be considered as agenda items to be added to the final agenda. Reports include routine committee reports and information updates by ~~Board members~~ Supervisors. Any matters discussed during this part of the agenda may not be ~~are not matters to be~~ acted upon by the Board at that meeting.

H. **Report from the County Executive.** The *Report from the County Executive* is a report on matters that the County Executive deems should be brought to the Board's attention and provide updates, if necessary, to the monthly County Executive's Report.

## 7. **Quorum**

A. **Establishing a Quorum.** A majority of all of the members of the Board that is physically assembled shall ~~constitute~~ is a quorum for any meeting of the Board, except as provided in Rule 87(B)(2). (Virginia Code § 15.2-1415)

B. **Quorum Required to Act; Exceptions.** The Board may take valid actions only if a quorum is present. (Virginia Code § 15.2-1415) There are 2 two exceptions:

- 1. **Quorum Not Established; Adjournment.** If a quorum is not established, the only action the ~~Board members~~ Supervisors present may take is to adjourn the meeting.
- 2. **Quorum Not Established or Lost Because of Conflict of Interest; Special Rule.** If a quorum cannot be established or is lost because one or more ~~Board members~~ Supervisors are disqualified from participating in a matter because of a conflict of interest under the State and Local Government Conflict of Interests Act (Virginia Code § 2-2-3700 2.2-3100 *et seq.*), the remaining members ~~constitute~~ are a quorum ~~for the conduct of business and have the authority to act for the Board~~ and they may conduct the business of the Board.

C. **Loss of Quorum During Meeting.** If a quorum was established but during a meeting the quorum is lost, the only action the ~~Board members~~ Supervisors present may take is to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code § 15.2-1415)

- D. **Quorum Required to Adjourn Meeting to Future Day and Time.** A majority of the Board members Supervisors present at the time and place established for any regular or special meeting shall constitute a quorum for the purpose of adjourning the meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

## 8. **Remote Electronic Participation**

The Board will permit a Board member Supervisor to participate in a Board meeting ~~electronically~~ through electronic communication means from a remote location, provided that:

- A. **Notification to Clerk of Inability to Attend Because of Emergency, Personal Matter, Disability, or Medical Condition.** On or before the day of the meeting, the Board ~~member~~ Supervisor shall notify the Chair that the ~~member~~ Supervisor is unable to attend the meeting due to an ~~emergency~~ or a personal matter or that the ~~member~~ Supervisor is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the ~~member's~~ Supervisor's physical attendance. The ~~member~~ Supervisor must identify with specificity the nature of the ~~emergency~~ or personal matter.
- B. **Quorum Physically Assembled; Approval of Remote Electronic Participation.** A quorum of the Board must be physically assembled at the primary or central meeting location. The Board members Supervisors present must approve the participation; however, the decision shall be based solely on the criteria in Rule 8(A), without regard to the identity of the ~~member~~ Supervisor or matters that will be considered or voted on during the meeting.
- C. **Duty of Clerk to Record Action.** The Clerk shall record in the Board's minutes the specific nature of the ~~emergency~~, personal matter, disability, or medical condition, and the remote location from which the absent Board member Supervisor participated. If the absent ~~member's~~ Supervisor's remote participation is disapproved because participation would violate this policy, the disapproval shall be recorded in the Board's minutes with specificity.
- D. **Audibility of Absent Member.** The Clerk shall make arrangements for the voice of the absent Board member Supervisor to be heard by all persons in attendance at the meeting location. If, for any reason, the voice of the absent ~~member~~ Supervisor cannot reasonably be heard, the meeting may continue without the participation of the absent ~~member~~ Supervisor.
- E. **Limitation on Remote Electronic Participation in Calendar Year.** Electronic participation by the absent ~~member~~ Supervisor as provided in this Rule shall not exceed 2 ~~two~~ Board meetings in each calendar year.

(Virginia Code § 2.2-3708.42)

**Comment:** The changes to this section, and the reference to the Virginia Code, reflect recent changes to State law, which consolidates existing provisions concerning public meetings conducted by electronic communication means into a single, new, section.

## 9. **Conducting the Business of the Board**

- A. **Enable Efficient and Effective Conduct of Business.** Meetings shall be conducted in a manner that allows the Board to efficiently and effectively conduct its business, without actual disruptions.

**B. Minimizing Disruptions.** To minimize actual disruptions at meetings:

1. **Speakers.** Members of the public who are speaking to the Board shall comply with Rules 6(D) and 6(F)(1), as applicable. Members of the public invited to speak to the Board during any agenda item other than From the Public: Matters Not Listed for Public Hearing on the Agenda or during a public hearing shall comply with Rule 6(D).
2. **Persons Attending the Meeting.** Any person attending a Board meeting shall comply with the following:
  - a. **Sounds.** Persons may not clap or make sounds in support of or in opposition to any matter during the meeting, except to applaud during the Proclamations and Recognitions portion of the meeting. Instead of making sounds, persons who are not speaking at the podium are encouraged to raise their hands to indicate their support or opposition to any item during the meeting. Cell phones and other electronic devices shall be muted.
  - b. **Other Behavior.** Persons may not act, make sounds, or both, that actually disrupt the Board meeting.
  - c. **Signs.** Signs are permitted in the meeting room so long as they are not attached to any stick or pole and do not obstruct the view of persons attending the meeting.

**Comment:** Section 9(B), as well as Rules 6(D) and 6(F)(1), are supplemented by the rules printed on the back of the Board's agendas and four short stand-alone documents that are not part of the Board's Rules of Procedure: (i) "Board Chair Statement for Disruptions"; (ii) "Protocol to Address Disruptions at Meetings"; (iii) "Guidance on Whether Particular Speech or Behavior at a Meeting is Disruptive"; and "The First Amendment and Speakers at Public Meetings." The Board Chair Statement and the Protocol to Address Disruptions are not part of these Rules and are being further amended.

**C. Guidelines Printed on the Final Agenda.** The Guidelines printed on each Final Agenda apply during each Board meeting. The Board may amend the Guidelines from time to time without amending these Rules provided that the Guidelines are consistent with these Rules.

**Comment:** This rule is added to formalize the status of the Guidelines printed on the back of each Final Agenda.

**CD. Chair May Maintain Order.** The Chair may ask any person whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease the conduct. If the conduct continues, the Chair may order the removal of that person from the meeting.

**10. Motion and Voting Procedures**

**A. Action by Motion Followed by a Vote.** ~~Unless otherwise provided (See Rule 12(D))~~ Except as provided in Rules 10(B)(2) and 11(D), any action by the Board shall be initiated by a motion properly made by a ~~Board member~~ Supervisor and followed by a vote, as provided below:

1. **Motion Must Be Seconded; Exception.** Each action by the Board shall be initiated by a motion that is seconded; provided that a second shall not be required if debate immediately follows the motion. Any motion that is neither seconded nor immediately followed by debate shall not be further considered.

2. **Voting and Recording the Vote.** The vote on any motion shall be by a voice vote. The Clerk shall record the name of each ~~Board member~~ Supervisor voting and how ~~he~~ each Supervisor voted on the motion.
3. **Required Vote, Generally Required Vote for Specific Matters.** Each action by the Board shall be made by the affirmative vote of *a majority of the members present and voting* on the motion; provided that an affirmative vote of a *majority of all elected members* of the Board shall be required to approve an ordinance or resolution:
  - (1)~~a.~~ **Appropriations.** ~~a~~Appropriating money exceeding the sum of \$500; ~~;~~
  - (2)~~b.~~ **Taxes.** ~~i~~Imposing taxes; ~~or~~
  - (3)~~c.~~ **Borrowing.** ~~a~~Authorizing the borrowing of money to be borrowed. (Article VII, § 7, Virginia Constitution; Virginia Code §§ 15.2-1420, 15.2-1427, 15.2-1428)
4. **Tie Vote.** A tie vote shall defeat the motion voted upon. A tie vote on a motion to approve shall be deemed a denial of the matter being proposed for approval. A tie vote on a motion to deny shall not be deemed an approval of the matter being proposed for denial.
5. **Abstention.** ~~If any Board member abstains from voting on any motion, he shall state his abstention. Any Supervisor who will abstain from voting on any motion must state that he or she is abstaining before the vote is taken and state the grounds for abstaining.~~ The abstention will be announced by the Chair and recorded by the Clerk.

**Comment:** The proposed change in subsection 10(A)(5) is to clarify the current requirement for an abstaining Supervisor to “state his abstention.”

**B. When a Motion and a Vote is or is not Required.** An action by the Board is or is not required to be made by a motion followed by a vote as follows:

1. **Motion and Vote Required.** Any action by the Board to adopt an ordinance or a resolution, and any other action when a motion is required by law or by these Rules, shall be made by a motion followed by a vote.
2. **Motion and Vote Not Required; Unanimous Consent.** On any matter in which the Board is not adopting an ordinance or a resolution, or for which a motion and a recorded vote is not otherwise required by law, the Board may make a decision by unanimous consent. This procedure is appropriate, for example, to provide direction to County staff on a matter.

**Comment:** This section would add to the Rules the Board’s longstanding practice to make certain decisions by unanimous consent. This Rule would address uncertainty as to when a motion and a vote is or is not required.

**C. Other Motions.**

- ~~B1.~~ **Motion to Amend.** A *motion to amend* a motion properly pending before the Board may be made by any ~~Board member~~ Supervisor. Upon a proper second, the motion to amend shall be discussed and voted on by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both ~~Board members~~ Supervisors making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.

**C2. Motion to Call the Question.** The discussion of any motion may be terminated by any ~~Board member~~ Supervisor making a *motion to call the question*. Upon a proper second, the Chair shall call for a vote on the motion to call the question without debate on the motion itself, and the motion shall take precedence over any other matter. If the motion is approved, the Chair shall immediately call for a vote on the original motion under consideration.

**D3. Motion to Reconsider.** Any decision made by the Board may be reconsidered if a motion to reconsider is made at the same meeting or an adjourned meeting held on the same day at which the item was decided. The motion to reconsider may be made by any ~~member~~ Supervisor of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the item for discussion in the exact position it occupied before it was voted upon.

**E4. Motion to Rescind.** Any decision made by the Board, except for decisions on zoning map amendments, special use permits, special exceptions, and ordinances, may be rescinded by a majority vote of all elected members of the Board. The motion to rescind may be made by any ~~Board member~~ Supervisor. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Decisions on zoning map amendments, special use permits, special exceptions, and ordinances may be rescinded or repealed only upon meeting all of the legal requirements necessary for taking action on the items as if it was a new item before the Board for consideration; otherwise, decisions on zoning map amendments, special use permits, special exceptions, and ordinances shall only be eligible for reconsideration as provided in Rule 10~~(D)~~(C)(3).

## **11. Other Rules: Robert's Rules of Order Procedure in Small Boards**

Procedural rules that are not addressed by these Rules shall be governed by *Robert's Rules of Order Procedure in Small Boards*, which provide:

- A. Not Required to Obtain the Floor.** ~~Board members~~ Supervisors are not required to obtain the floor before making motions or speaking, which they can do while seated.
- B. No Limitation on the Number of Times a Member May Speak.** There is no limitation on the number of times a ~~Board member~~ Supervisor may speak to a question, and motions to call the question or to limit debate generally should not be entertained.
- C. Informal Discussion.** Informal discussion of a subject is permitted while no motion is pending.
- D. When a Vote Without a Motion is Not Required.** ~~Sometimes, when a matter is perfectly clear to all present and if agreed to by unanimous consent of all Board members present and voting, a vote can be taken without a motion having been introduced. Unless agreed to by unanimous consent, however, all proposed actions of the Board must be approved by vote under the same rules as in other assemblies, except that a vote can be taken initially by a show of hands, which is often a better method.~~

**Comment:** The essence of this Rule is moved to new Rule 10(B)(2) and its use is modified to ensure that it is not used for those matters when a motion and a vote is required (as provided in Rule 10(B)(1)).

**ED. Chair; Putting the Question to a Vote.** The Chair need not rise while putting questions to vote.

**F. Chair; Speaking During Discussion.** The Chair ~~can~~ may speak in discussion without rising or leaving the chair, and, subject to rule or custom ~~within the particular board~~ of the Board (which should be uniformly followed regardless of how many members are present), the Chair usually can make motions and usually votes on all questions.

## **12. Amendment of Amending the Rules of Procedure**

These Rules of Procedure may be amended only as follows:

- A. Rules Eligible for Amendment.** Any Rule may be amended.
- B. Procedure to Amend.** Any Rule eligible for amendment may be amended only by a majority vote of the ~~Board members~~ Supervisors present and voting at the next ~~Regular m~~ Meeting following a regular meeting at which notice of the motion to amend is given. Notice of the motion to amend a rule may be made by any ~~Board member~~ Supervisor. The motion to amend a rule may be made by any ~~Board member~~ Supervisor. Upon a proper second, the motion shall be discussed and voted on. In deciding whether and how to amend a Rule, the Board shall consider that Rules 3, 4, 6(D), 6(F)(1)(a) through (c), 7, 8, 9(B), ~~and 10(A)(3), and~~ 10(B)(1) address statutory or constitutional requirements.
- C. Limitation on the Effect of an Amendment.** The Board's approval of a motion to amend one or more Rules shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

## **13. Suspension of Suspending the Rules of Procedure**

These Rules of Procedure may be suspended only as follows:

- A. Rules Eligible to be Suspended for Suspension.** Rules 1, 2, 5, 6, 9(A), 10 (except for Rules 10(A)(3) and 10(B)(1)), 11, and 12 may be suspended.
- B. Procedure to Suspend, Generally.** Any Rule eligible for suspension may be suspended by a majority plus 4 one vote of the ~~Board members~~ Supervisors present and voting. The motion to suspend a rule may be made by any ~~Board member~~ Supervisor. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to suspend a rule, if approved, is to make that ~~Rule~~ inapplicable to the matter before the Board.
- C. Suspension of Rules Pertaining to Motions When There is Uncertainty as to Status or Effect.** If one or more motions have been made on a matter, and there is uncertainty as to the status or effect of any pending motions or how the Board is to proceed at that point, the Board may, by a majority vote of the ~~Board members~~ Supervisors present and voting, suspend the rules in Rule ~~6~~ 10 for the sole purpose of canceling any pending motions and to permit a new motion to be made. The motion to suspend a rule pertaining to any pending motions may be made by any ~~Board member~~ Supervisor. Upon a proper second, the motion may be discussed and voted on.
- D. Limitation on Effect of Suspended Rules.** The Board's approval of a motion to suspend one or more Rules shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

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(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009; 1-6-2010; 1-5-2011; 1-4-2012; 1-09-2013; 1-8-2014; 7-9-2014; 1-7-2015; 1-6-2016; 1-4-2017; 2-8-2017; and 1-3-2018).