



**County of Prince Edward
Board of Supervisors
Agenda Summary**

Meeting Date: January 12, 2010
Item No.: 3 – 8
Department: Board of Supervisors
Staff Contact: W.W. Bartlett/Sarah Elam Puckett
Issue: Board Organization

Summary: The first meeting in January of each year is the organizational meeting of the Board. The Board shall act on the following agenda items:

3. Elect a Chair (Two-year term of office)
4. Elect a Vice Chair (Two-year term of office)
5. Set Day, Time and Place of Regular Board Meetings
6. Adopt Board By-Laws – See Attachment
7. Establish an Operating System – The By-Laws of the Board state that “*at the January meeting of each year, the Board shall vote whether to operate with a system of standing committees during the year. If it does, the Board shall specify the name, composition, and function of each of the several committees.*” If the Board votes not to have standing committees, it may act as a “committee-of-the-whole”.
8. Appointments: Personnel Committee – During 2004, the Board approved the creation of a “standing” Personnel Committee. The members are appointed annually by the Chairman at the Board’s organizational meeting in January of each year. The 2009 membership on the Personnel Committee was: Supervisor Howard Simpson, Chair; Supervisor; Supervisor Sally Gilfillan; Supervisor James Moore and Supervisor Mattie Wiley.

Attachments: By-Laws of the Board of Supervisors

Recommendation: Action.

Motion _____	Campbell _____	Fore _____	Gantt _____
Second _____	Jones _____	McKay _____	Simpson _____
	Wilck _____	Wiley _____	



COUNTY OF PRINCE EDWARD, VIRGINIA

BYLAWS OF THE BOARD OF SUPERVISORS

I. ATTENDANCE AND ADJOURNMENT

All members shall make a reasonable effort to attend meetings of the Board. If unable to attend, a member shall notify the Chairman or County Administrator.

A majority of the members of the Board shall constitute a quorum and must be present to proceed to business. A smaller number of members may adjourn or send for absentees. Special meetings of the Board may be called in accordance with Section 15.1-538 of the Code of Virginia, 1950, as amended.

The Chairman shall take the chair at the hour set by the Board for regular or special meetings. He shall immediately call the Board to order and determine if a quorum is present; if so, he shall have the minutes of the preceding meeting submitted. Any errors or omissions shall, upon motion and carried, then be corrected. The minutes, being found correct, shall be signed by the Chairman and Clerk and shall be the authentic record of the proceedings of the Board of Supervisors.

II. CHAIRMAN AND VICE-CHAIRMAN

At the first meeting in January of each year, the Board of Supervisors shall elect one of its members as Chairman and one other of its members as Vice-Chairman. The term of office for the Chairman and Vice-Chairman shall be for two years, but they may be re-elected.

The Chairman shall preside at all meetings at which he is present. The Vice-Chairman shall preside at all meetings at which the Chairman is absent and may discharge any other duty of the Chairman during his absence or disability.

The day, time, and place of regular board meetings shall be determined at the January meeting.

III. CLERK

The County Administrator shall serve as Clerk to the Board.

The minutes of the meetings of the Board shall be duly drawn by the Clerk and shall be submitted for approval at the next regular monthly meeting following their draft.

The Clerk shall appoint a deputy as recording secretary if required or needed by the Board.

IV. ORDER OF BUSINESS

After the call to order the Board shall proceed to the agenda. The normal order of the agenda shall be as below, except at the January organizational meeting and as subject to rearrangement by the Chairman, absent objection by the Board. At the organizational meeting in January, the first order of business shall be the election of the Chairman and Vice-Chairman and approval of the Board's operating procedures.

- A. Public Participation
- B. Consent Agenda
 - Acceptance of Treasurer's Report
 - Approval of Minutes
 - Approval of Warrant List
- C. Highway Matters
- D. Business for Board Consideration
- F. County Administrator's Report
- G. Closed Session
- H. Correspondence
- I. Informational Items
- J. Upcoming Meetings
- K. Monthly Reports from Local Departments
- L. Adjournment

V. PREPARATION OF AGENDA

The County Administrator shall see that the preparation and printing of Board papers, ordinances, resolutions, petitions, and other applicable documents, be completed within such time that members of the Board may receive the documents at least 72 hours before the meeting of the Board.

The County Administrator shall close the upcoming Agenda on the Wednesday prior to the meeting of the Board. Any item submitted after this deadline will not be considered for action unless recommended by the County Administrator.

VI. CONSENT AGENDA

The Chairman and County Administrator shall style routine, non-controversial matters requiring Board action on a Consent Agenda. Items may be removed from the Consent Agenda and place on the Regular Agenda on recorded vote by a majority of the Board members present. Only one motion is necessary to adopt all recommendations and action items on the Consent Agenda.

There shall be no debate or discussion by any member of the Board or the public regarding any item on the Consent Agenda, beyond asking questions for simple clarification.

VII. CONDUCT OF BUSINESS

The Chairman shall preserve order and decorum. When two or more members speak at the same time, the Chairman shall name the person who shall speak first.

A motion or proposition shall be reduced to writing, if desired by the Chairman or any member. Any motion or proposition may be withdrawn by the mover at any time before a decision, amendment, or other action of the Board upon it, except a motion to reconsider, which

shall not be withdrawn without leave of the Board. Otherwise, meetings shall be conducted in accordance to Robert's Rules of Order, Newly Revised (Procedures for Small Boards).

VIII. TAKING THE VOTE

When a motion in order is made, the Chairman shall state the exact motion and indicate that it is open to debate. After the motion has been debated, the Chairman shall put the question in the following forms: "As many as agree that, etc. (as the question may be) let it be known by raising your right hand", and "Those opposed by the same sign."

According to the Constitution of Virginia, a majority of all elected members shall be necessary to adopt any ordinance or resolution appropriating money exceeding the sum of \$500.00, imposing taxes, or authorizing the borrowing of money. Otherwise, a resolution, ordinance, or other proposition shall be adopted by vote of the majority of Board members present and voting. A tie vote shall mean the defeat of the motion voted on.

A member may abstain and be entered in the minutes as present and abstaining.

The Code of Virginia, 1950, as amended, Title 2.1, Chapter 40.2, Section 639.30 et seq shall control with respect to a member's participation and voting. (Conflict of Interest-Section 2.1-639.30 et al, Code of Virginia, 1950, as amended.)

IX. RECONSIDERATION

After a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side, provided the motion is made on the same day as the decision carried. All motions to reconsider shall be decided by a majority of the votes of the members present and voting.

X. WITHDRAWAL OF EXHIBITS

Original papers, filed as exhibits with any ordinance or resolution, may be withdrawn by the patron or upon his order. In such case, he shall leave attested copies, and shall pay the Clerk for the cost of copying.

XI. MANUAL AND RULES

The rules of parliamentary practice in Robert's Rules of Order, Newly Revised shall govern the Board in all cases to which they are applicable, except when they are inconsistent with the rules established by the Board.

The Rules of the Board shall be reviewed and adopted in January of each year. These Rules may subsequently be suspended or amended by a two-third vote of the entire Board. Upon a motion to suspend or amend, the mover shall be allowed two minutes to state the reasons for his motion, and one member opposed to the motions shall be allowed an equal time to object.

XII. APPOINTMENTS

All appointments of Board representatives to commissions, authorities, committees, etc. shall be made once the individual leaves the position or on expiration of his term, and not later

than two meetings after the individual has left. The Board shall attempt to honor appointments from representative districts and shall not discriminate based on sex, age, handicap, race, or origin.

At the January meeting of each year, the Board shall vote whether to operate with a system of standing committees during the year. If it does, the Board shall specify the name, composition, and function of each of the several committees. The committees shall meet at the regular times and in conformity with the Virginia Freedom of Information Act. In selecting members of committees, the Chairman of the Board shall make nominations after soliciting from members of the Board their preferences as to committee assignments. The Board may amend the Chairman's nominations and shall confirm the assignments. Standing committees shall consider such matters as referred by the Board, and shall report at regular meetings of the Board.

If the Board votes not to have standing committees, it may act as a committee of the whole on matters normally referred to standing committees. However; the Chairman after consulting with the County Administrator, may appoint special (ad hoc) committees to carry out specific tasks. This shall be done after soliciting from members of the Board their preferences as to committee assignments. A special committee shall automatically cease to exist once it has completed its specific task.

XIII. PUBLIC HEARINGS

The Chairman may, at his discretion, set an appropriate and consistent time limit on all speakers at a public hearing. All speakers shall come forward and identify themselves by name and address before stating their position. If a public hearing becomes disruptive, the Chairman may adjourn or continue, in accordance with the *Code of Virginia*.

XIV. CLOSED SESSIONS

All discussions held in Closed Session as outlined in the Freedom of Information Act shall represent privileged information held by those involved. Release of such information by a Board member outside the session shall be considered a breach of these by-laws, and the member shall be subject to censure. Specific purpose of closed session shall be stated in accordance with Section 2.2-3711 of the *Code of Virginia*, 1950, as amended.

Upon return to regular session after a closed session, the County Attorney and/or Chairman shall state the nature of the closed session in as specific terms as appropriate.

In open session, a roll call vote shall be recorded in the minutes, certifying that only public business matters lawfully exempted from open meeting requirements and only such business matters as were identified in the motion were discussed or considered. Any member of the public body who believes there was a departure from the requirements shall so state prior to the vote. The statement shall be recorded in the minutes.

ROBERT'S RULES OF ORDER, NEWLY REVISED

PROCEDURE IN SMALL BOARDS

In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in other assemblies, in the following respects:

--Members are not required to obtain the floor before making motions or speaking, which they can do while seated.

--Motions need not be seconded.

--There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.

--Informal discussion of a subject is permitted while no motion is pending.

--Sometimes, when a proposal is perfectly clear to all present, a vote can be taken without a motion having been introduced. Unless agreed to by general consent, however, all proposed actions of a 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 in such meetings.

--The chairman need not rise while putting questions to vote.

--The chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.

EFFECT OF PERIODIC PARTIAL CHANGE IN BOARD MEMBERSHIP

In cases where a board is constituted so that a specific portion of it is chosen periodically (as, for example, where one third of the board is elected annually for three-year terms), it becomes, in effect, a new board each time such a group assumes board membership. Consequently, all unfinished business existing when the outgoing portion of the board vacates membership falls to the ground; and if the board is one that elects its own officers or appoints standing committees, it chooses new officers and committees as soon as the new board members have taken up their duties, just as if the entire board membership had changed. The individual replacement of persons who may occasionally vacate board membership at other times, however, does not have these effects.