

# BYLAWS

## PLANNING COMMISSION

### COUNTY OF JAMES CITY, VIRGINIA

#### ARTICLE I. OBJECTIVES

This Planning Commission (the "Commission") was established by the Board of Supervisors of James City County (the "Board") on April 13, 1953, to direct the development of James City County (the "County") and ensure its prosperity, health, safety, and general welfare, in accordance with Chapter 22, Title 15.2, Article 2, *Code of Virginia*, 1950, as amended (the "Virginia Code").

The Commission shall be responsible for making recommendations to the board of supervisors on all phases of county planning, including a comprehensive plan, long-range planning, zoning, and subdivision regulations. The Commission shall also be responsible for preparing and submitting annual capital improvement programs to the governing body, in accordance with applicable state code. It shall also have the powers and duties provided by general law and such other powers and duties as may be assigned by the board of supervisors.

#### ARTICLE II. MEMBERSHIP

The Commission shall consist of 7 or 9 residents of the county, each appointed by the Board for a term of four years.

#### ARTICLE III. MEETINGS

1. All meetings of the Commission shall be open to the public.
2. Special meetings of the Commission may be called by the Chair or by two members upon written request to the Secretary. The Secretary shall deliver (via hand delivery, U.S. Mail, or electronic mail, return receipt requested) to all members, at least five days in advance of a special meeting, a written notice fixing the time, place and the purpose of the meeting.
3. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or at a previous special meeting at which all members were present.
4. A quorum of the Commission shall consist of a majority of the members of the Commission and a physical quorum is required. Notwithstanding, Planning Commissioners may participate in any meeting wherein the public business is discussed or transacted through electronic communication in accordance with §2.2-3708.1 of the Code of Virginia.
5. No action of the Commission shall be valid unless approved by a majority vote of those present and voting.

6. The annual meeting for the election of officers (Chair and Vice Chair) shall be held as the first order of business at a regular meeting to occur the third week of March of each year and thereafter the newly elected officers shall preside at the regular meeting in April. When a vacancy occurs for the Chair or Vice Chair, an election shall be held on the next regular meeting date.
7. All minutes and records of the Commission of its meetings, resolutions, transactions and votes, shall be kept by the Secretary.
8. The commission, by resolution adopted at a regular meeting, may fix the day or days to which any meeting shall be continued if the chair, or vice-chair if the chair is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. The commission shall cause a copy of such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.

#### ARTICLE IV. OUTSIDE MEETINGS WITH APPLICANTS

1. Planning Commissioners are permitted to meet with applicants outside of a Planning Commission meeting or public hearing pursuant to the following:
  - a. Commissioners shall publicly disclose all meetings by reporting them verbally at the Planning Commission meeting where the case is scheduled for public hearing.
  - b. Commissioners may find it helpful to contact Planning Division staff prior to such meetings to gather facts about the application; the staff may attend such meetings if requested by the Commission and approved by the Planning Director or designee.
  - c. The purpose of such meetings is limited to fact finding and clarification for all parties.
  - d. Commissioners should endeavor to include one other Commissioner, when possible, in the meeting.
  - e. Following such meeting, a summary of the discussion shall be provided to all Commission members.
  - f. Commissioners shall not make a commitment of their voting intent.

#### ARTICLE V. MATTERS PENDING BEFORE THE COMMISSION

1. All matters which require an advertised public hearing in accordance with Section 15.2-2204 of the Virginia Code and which meet submittal requirements filed with the Planning Division at least six weeks before the regular meeting are to be placed on the agenda for the advertised public hearing. All other matters filed at least 15 days before the regular meeting in the Planning Division are to be placed on the agenda. Any matter not placed on the agenda in advance of the meeting can be considered at the meeting by a majority vote of the Commission.

2. For each public hearing, notices shall be forwarded to the Commission members no less than 7 days prior to the public hearing.

#### ARTICLE VI. HEARINGS

1. Advertised public hearings shall be scheduled during a regular meeting, except in the event of a joint public hearing between the Commission and the Board.
2. For each public hearing item, presentations by staff, applicants, individuals or groups shall be limited as follows:
  - a. Presentations by staff, applicants and groups are limited to 15 minutes each;
  - b. Comments by individuals are limited to 5 minutes each.
  - c. At a meeting, the time limits set forth in a, b, and/or c above may be extended at the discretion of the Chair.

#### ARTICLE VII. VOTING

1. No member present shall abstain from voting on a roll call vote unless a member has a conflict of interest in the matter being voted upon. For the purposes of this paragraph, a "conflict of interest" shall exist when there is an actual conflict: (1) pursuant to the Virginia State and Local Government Conflict of Interests Act, Section 2.2-3100 et seq. of the Virginia Code; or (2) pursuant to any applicable policy adopted by the Board of Supervisors; or (3) as stated by the Commission member unless objected to by a majority vote of the members of the Commission.
2. In reporting a vote to the Board, the Secretary shall indicate (in writing) the recorded roll call vote, including any abstentions.

#### ARTICLE VIII. DUTIES

##### A. CHAIR

The Chair shall have the following duties:

1. Preside at meetings and hearings of the Commission;
2. When authorized by the Commission, the Chair shall affix to any documents its signature on the Commission's behalf;
3. The Chair or the Chair's designee shall represent the Commission and keep it informed when not in session;
4. The Chair shall appoint all members and Chairs of committees and subcommittees; and

5. The Chair or the Chair's appointee shall act as a liaison to the Williamsburg and York County Planning Commissions.

**B. VICE CHAIR**

The Vice Chair shall perform the duties of the Chair during the absence or disability of the Chair.

**C. SECRETARY**

The Secretary of the Commission shall be the Director of Planning and shall have the following duties:

1. Keep a record of all regular, adjourned regular, special, and adjourned special meetings and public hearings and transcribe in a minute book of the Commission;
2. Prepare and cause to be delivered all notices of all meetings required to be sent under these Bylaws to Commission members;
3. Have charge of all official books, papers, maps, and records of the Commission and conduct all official correspondence relative to hearings, meetings, resolutions, decisions, and other business of the Commission as directed by the Chair or reflected by valid actions of the Commission;
4. Receive minutes of all committee meetings and preserve these as official records of the Commission; and
5. Notify the Vice Chair, by telephone or in person, on the day the Chair informs the Secretary that they will not be present at a scheduled meeting. It is the duty of the Secretary to brief the Vice Chair on items to come before the Commission when the Vice Chair presides.

**D. MEMBER DUTIES**

Members of the Commission shall have the duties assigned to it by the Virginia Code, the County Charter, and as assigned by the Board. With respect to attendance at meetings, the Commission shall have the following specific duties:

1. Attend regular, adjourned regular, special and adjourned special meetings and public hearings;
2. Attend regular, adjourned regular, special, and adjourned special committee meetings to which the member is appointed;
3. Represent the Commission at Board meetings in rotation; and
4. Attend ad-hoc committee meetings as agreed to by the Commission.

## ARTICLE IX. COMMITTEES

1. The Director of Planning or the Director's designee shall serve as a non-voting, ex officio member of all standing and special committees.
2. All committee reports written or oral shall be an official record of the Commission.
3. The following committees and their Chair shall be appointed by the Commission Chair within thirty days after the Chair takes office:
  - a. Development Review Committee. This Committee shall be composed of at least four members and have the following responsibilities:
    1. Review those applications for subdivisions which are required by law to be submitted to the Commission for approval, receive and review staff reports on them, and make recommendations to the Commission;
    2. Review those site plan applications that are required by law to be submitted to the Commission for approval, receive and review staff reports on them, and make recommendations to the Commission.
    3. Review those applications, where provided by law and as more specifically provided therein, that serve as an appeal of a decision by the planning director or his designee.
    4. Unless otherwise provided for by law, such decisions of the DRC shall be recommendations which are then forwarded to the full Commission for action.
  - b. Policy Committee. This Committee shall be composed of at least four members and shall have the following responsibilities:
    1. Address long-range planning goals of the Commission and explore strategies for achieving them; and
    2. Address ways to maintain and improve working relationships between the Commission, other County organizations, as well as with surrounding jurisdictions and organizations involved in planning initiatives.
    3. Conduct the Commission's initial review of the Capital Improvement Plan.
    4. Recommend and prepare new and revised policies for the Commission.
    5. Conduct the Commission's initial review of ordinance amendments, as directed by the Chair of the Commission.
  - c. Leadership Committee. This committee shall be composed of three members; the Chair and Vice Chair of the Commission and the Chair of the Policy Committee.

The Leadership Committee shall review concerns raised regarding the conduct of the Commission or any one of its members acting in his or her official capacity. The Leadership Committee shall, if deemed necessary by the Leadership Committee, recommend appropriate remedial measures to the Commission.

ARTICLE X. PARLIAMENTARY AUTHORITY AND ORGANIZATIONAL PROCEDURE

The Commission shall follow the most recent edition of Robert's Rules of Order, and more specifically, the provisions which pertain to the "conduct of business in boards" and in particular, the "Procedure in Small Boards."

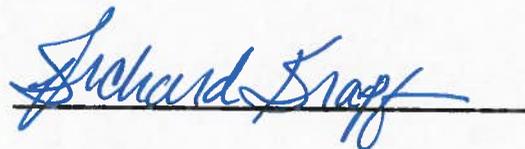
ARTICLE XI. AMENDMENT

Amendments may be made to these Bylaws by a two-thirds (2/3) vote of the Commission voting members only after a minimum 30 days' prior notice is given and only at a regular scheduled meeting.

ARTICLE XII. MISCELLANEOUS

The Commission may suspend any of these rules by not less than a two-thirds (2/3) vote of those Commission members present and voting at the meeting.

Adopted November 28, 1978  
Amended July 10, 1990  
Amended May 12, 1992  
Amended March 8, 1994  
Amended May 4, 1998  
Amended June 1, 1998  
Amended June 3, 2002  
Amended August 5, 2002  
Amended January 12, 2004  
Amended January 6, 2010  
Amended April 7, 2010  
Amended March 5, 2014  
Amended March 4, 2015

A handwritten signature in blue ink, reading "Richard Krapf", is written over a horizontal line.

Richard Krapf, Chairman