

BY-LAWS OF THE
PATRICK COUNTY PLANNING COMMISSION

ARTICLE I – OBJECTIVES AND TITLE

1-1. Creation

The Patrick County Planning Commission, created by the Board of Supervisors of Patrick County on December 29, 2021 pursuant to Chapter 22, Article 2 of Title 15.2, of the Code of Virginia (1950, as amended) hereby adopts the following By-Laws in order to facilitate its powers and duties in accordance therewith.

1-2. Name

The official title of this Commission shall be the “Patrick County Planning Commission.”

1-3. Objective

The objectives of the Planning Commission, as stated in Title 15.2, Chapter 22, Article 1, Section 15.2-2200 of the Code of Virginia (1950, as amended) are to encourage local governments to improve the public health, safety, convenience and welfare of its citizens and plan for the future development of communities to the end that transportation systems be carefully planned; that new community centers be developed with adequate highway, utility, health, educational and recreational facilities; that the needs of agriculture, industry and business be recognized in future growth; that residential areas be provided with healthy surroundings for family life; that agricultural and forest land be preserved; and that the growth of the community be consistent with the efficient and economical use of public funds.

ARTICLE II

2-1. Appointment

The Planning Commission shall consist of seven (7) voting members, five (5) appointed by the Board of Supervisors of Patrick County with one (1) member from each election district, two (2) at-large members and a liaison to the Board of Supervisors who shall be a non-voting member.

2-2. Terms

Members shall be appointed for a term of four (4) years. Any vacancy in the membership shall be filled by appointment by the Board of Supervisors. Any appointed member may be removed only in accordance with the provisions of State Law.

2-3. Removal

Notwithstanding Section II-2 above, a Planning Commission member may be removed from office for malfeasance in office. Further, a member of the Planning Commission may be removed from office by the Board of Supervisors without limitations in the event that the Commission member is absent from any three (3) consecutive meetings of the Commission, or is absent from any four (4) meetings of the Commission within any 12-month period. A successor shall be appointed by the Board of Supervisors for the unexpired portion of the term of the member who is so removed.

ARTICLE III

3-1. Election of Officers

The officers of the Planning Commission shall consist of a Chairman and Vice-Chairman. Nomination of officers shall be made from the floor at the regular January meeting each year. Election of officers shall follow immediately. A candidate receiving a majority vote of the Planning Commission shall be declared elected. He shall take office immediately and serve for one (1) year or until his successor shall take office. Vacancies in office shall be filled immediately by regular election procedures.

3-2. Duties of Chairman

The Chairman shall preside at all meetings of the Planning Commission and at other meetings and Public Hearings called by the Planning Commission. He shall call special meetings of the Planning Commission when required; make appointments to all standing and special committees, except as noted hereafter; transmit reports, plans and recommendations of the Planning Commission to the appropriate governing authority; and, in general, shall act as spokesman for the Planning Commission. The Chairman is specifically authorized to cast a vote on all motions made and duly seconded.

3-3. Duties of Vice-Chairman

The Vice-Chairman shall serve as Chairman in the absence or the disability of the Chairman. In the event of the death or resignation of the Chairman, the Vice-Chairman shall perform the latter's duties until such time as the Commission shall elect a new Chairman.

3-4. Duties of Clerk

The Clerk may, but is not required to be, a member of the Commission. The Clerk shall assist the Chairman in the preparation of the agenda for Planning Commission meetings, shall prepare and send out notices for regular and special meetings, shall prepare and distribute minutes of Commission meetings and shall establish and maintain the Commission's files, and shall provide newly appointed members, as soon as possible upon appointment, with copies of the By-Laws, the County Subdivision Ordinance and Comprehensive Plan, and the Planning Commission minutes for the six (6) months prior to the new member's appointment.

3-5. Attorney

Upon the request of the Planning Commission, the County Attorney may attend the Planning Commission meeting.

ARTICLE IV

4-1. Regular Meetings

Regular meetings of the Planning Commission shall be held on the third (3rd) Tuesday of each month at 6:00 p.m., when called by the Chairman, in the Third Floor Board Room of the Patrick County Administration Building. If this should be a legal holiday, the meeting shall be held at the same time and place on the first succeeding day not a holiday. Each member shall be notified of each regular meeting at least five (5) days prior to the meeting by the Clerk to the Planning Commission.

4-2. Special Meetings

Special meetings of the Planning Commission may be called at any time by the Chairman or in the absence or unavailability of the Chairman, by the Vice-Chairman. The Clerk shall notify all members, at least five (5) days in advance of a special meeting, fixing the time and place of the meeting and the purpose thereof. Notice of special meetings is not required if the time of the special meeting has been fixed at a regular meeting.

4-3. Cancellations

Whenever there is no business of the Planning Commission, the Chairman may cancel the regular meeting by giving notice to all members at least two (2) days prior to the time set for the meeting, provided that the Planning Commission shall meet at least every two (2) months.

4-4. Quorum: Majority Vote

A majority of the members shall constitute a quorum and no action of the Planning Commission shall be valid unless authorized by a majority vote of those present and voting.

4-5. Order of Business

The order of business at regular meetings shall be as designated by Robert's Rules of Order.

4-6. Meetings and Records Open

All meetings of the Planning Commission at which official action is taken shall be open to the public and all records of the Planning Commission shall be public records, except as may be excluded pursuant to the Virginia Freedom of Information Act (FOIA).

Minutes of the Planning Commission shall be public record when duly adopted by the Planning Commission. All meetings shall be audio taped, provided, however, that closed meetings of the Planning Commission shall not be taped. The Clerk shall retain such

audiotapes for one hundred and twenty (120) days from the date of the meetings. On or after the one hundred twenty first (121st) day, the tapes shall be erased or otherwise disposed of.

4-7. Compensation

The Board of Supervisors may provide for compensation to Commission members for their services, reimbursement for actual expenses incurred, or both.

ARTICLE V

5-1. Attendance

Planning Commission members are encouraged to attend all meetings, regular and special, including work sessions, and to notify the Clerk or the Chairman if they will be unable to attend a meeting.

5-2. Objectivity

Planning Commission members shall make every attempt to remain neutral and uncommitted on issues coming before the Commission until said issues have been presented to the Commission and the proponents and opponents concerning same have been heard. Additionally, Planning Commission members shall not represent any applicant before the Planning Commission.

5-3. Citizen Comments Time Limits: Restrictions

The time for Citizens Comments is limited to five (5) minutes per person. The Chairman may, at his discretion, waive or adjust this time limitation, if necessary due to the complexity of the issues. Members of the public may not use the Citizen Comment portion of the agenda to speak on a matter scheduled for Public Hearing at the Commission meeting.

5-4. Speaking

All Commission members as well as staff and members of the public in attendance shall not be allowed to speak on any matter before the Commission without first gaining recognition from the Chairman.

5-5. Training

The members of the Commission are encouraged to attend the courses available under the Virginia Citizens Planning Association or other planning organizations. The Board of Supervisors may provide for the payment of compensation and reasonable expenses incurred by the members of the Commission in the performance of their duties.

5-6. Public Hearing

The Chairman will make a brief statement identifying the matter to be heard and verify with the Clerk that all legal notifications have been met. The applicant may appear on his

own behalf at the Public Hearing or be represented by counsel or an agent, and speak to the issue. The applicant, his counsel or agent, have a combined total of ten (10) minutes to speak. The Chairman will open the floor for public comment on the issue.

ARTICLE VI

6-1. Procedure

The By-Laws, within the limits set by law, may be amended at any regular meeting of the Planning Commission by an affirmative vote of not less than two-thirds (2/3) majority of the members present and voting, provided that such amendments shall have first been presented to all members in writing at a meeting of the Planning Commission at least thirty (30) days prior to the meeting at which the vote is taken.

ARTICLE VII

7-1. Special Committees

Special committees shall be created by motion of the Planning Commission setting forth the title of the committee, purpose of the committee, number of Commission members to serve on the committee, and the length of time, if necessary, for which the committee is appointed. The members of the committee will be appointed by the Chairman.

Adopted by the Planning Commission on this 29th day of December, 2021.

Lawrence W. Cowley
L. W. Cowley
Chairman
Patrick County Planning Commission

Attest:

Teresa McCormick
Clerk, Planning Commission