

CULPEPER COUNTY BOARD OF SUPERVISORS
2010
RULES OF PROCEDURE

I PURPOSE AND BASIC PRINCIPLES

1-1 Purpose of Rules of Procedure

- A To enable County government to transact business expeditiously and efficiently;
- B To protect the rights of each individual Board member;
- C To preserve a spirit of cooperation among Board members; and
- D To determine the pleasure of the Board on any matter.

1-2 Basic Principles Underlying Rules of Procedure

- A Only one (1) subject may claim the attention of the Board at one time;
- B Each item presented for consideration is entitled to full and free discussion;
- C Every member has rights equal to every other member;
- D The will of the majority must be carried out, and the rights of the minority must be preserved;
- E The personality and desires of each member should be merged into the larger unit -- the Culpeper County Board of Supervisors; and
- F Discussion by members should be directed at the issue before the Board, and not at other members.

1-3 Rules of Interpretation

- A These Rules of Procedure are rules of parliamentary procedure and are for the convenience of its members only. They do not have the force of law.
- B Only members of the Board or the Parliamentarian have standing to raise a point of order or to challenge a ruling of the Chair or other action of the Board on the basis of compliance or non-compliance with these Rules of Procedure or, if the questioned action is not expressly covered by these

procedures, by Robert's Rules of Order. In no event may questions over compliance herewith be raised judicially.

- C Non-compliance with these Rules of Procedure must be raised at the time of the non-compliance, prior to continued debate or a vote. If a challenge is raised in a timely manner by a member with standing as provided for herein, the only relief shall be the correction of the error in conformance with the Rules of Procedure. If a challenge is not timely made, the right to challenge the non-compliance is waived. In no event will a violation hereof result in the voiding or overturning of any action of the Board.*
- D Failure to comply with these rules or Robert's Rules of Order shall not invalidate Board action otherwise valid at law.*

II MEETINGS

2-1 Regular Meetings

- A The time and place of regular meetings of the Board of Supervisors (hereinafter referred to as the Board) shall be established at the Board's annual organizational meeting. Regular Board meetings shall be held in the Board Meeting Room, County Administration Building, 302 North Main Street, Culpeper, Virginia, on the first (1st) Tuesday of each month, beginning at 10:00 a.m., and planning business shall be conducted on that same Tuesday beginning at 7:00 p.m. The 10:00 a.m. regular meeting shall be devoted primarily to action/decision/policy formation items, and the 7:00 p.m. meeting shall be devoted primarily to public hearings, work sessions and Planning Commission cases. However, if a Closed Session item can and should be addressed at the regular meeting, it shall be. The Board may, however, prescribe any other meeting place or time in compliance with § 15.2-1416 of the Code of Virginia (1950), as amended.*
- B When a regularly scheduled meeting falls on a legal holiday or Election Day, the meeting shall be held on the following business day.*
- C A regular meeting which may be canceled by the Chairman, or the Vice-Chairman if the Chairman is unable to act, upon a finding that weather or other conditions hazardous for the members or the public to attend the regular meeting, may be held on the next business day on which the weather or hazardous condition has abated, as determined by the Chairman or Vice-Chairman.*
- D Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the fixed date for the next regular meeting, until the business before the governing body is completed.*

2-2 Special Meetings

A *The Board may hold such special meetings as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time. Either the Chairman, or any two (2) members, may call a special meeting of the Board in such a manner as prescribed by §15.2-1418 of the Code of Virginia (1950), as amended. Only matters specified in the notice shall be considered unless all of the members of the Board are present. The notice of the special meeting may be waived if all members of the Board attend the special meeting or sign a written waiver. Where a special meeting has been called the Board shall give to the media and general public such notice of the time, place and purpose of the meeting as is feasible.*

2-3 Annual Organizational Meetings

A *The first meeting held after the newly elected members of the governing body shall have qualified and the first meeting held in the corresponding month of each succeeding year shall be known as the annual meeting. The County Administrator shall preside during the election of the Chairman of the Board.*

B *The Chairman shall be elected at the annual meeting for a term of one (1) year. The Chairman may succeed himself/herself in office. The Chairman and Vice Chairman shall continue to hold office until their successor takes office.*

C *Following the election of Chairman, he/she will assume the chair and conduct the election of the Vice Chairman.*

D *Following the election of the Vice Chairman, the Board shall:*

1 *Establish dates, times and places for the regular meetings;*

2 *Adopt its Rules of Procedure;*

3 *The Chairman shall make appointments to standing and ad hoc committees, preferably within one (1) week of the organizational meeting.*

2-4 Quorum and Method of Voting

A *At any meeting, a majority of the Supervisors shall constitute a quorum. All questions submitted to the Board for decision shall be determined by a voice vote. The Chairman may choose to have the vote by a roll call vote or by show of hands; however, if there is one (1) "no" vote or one (1) abstention, at the request of any member of the Board, the Board may be polled and the name of each member voting and how he or she voted shall be recorded. All votes on matters of ordinance shall be recorded by*

the clerk along with the name of each member voting and how he or she voted.

- B Members abstaining shall state for the record their reason for abstaining, if they abstain on account of a conflict of interest as prescribed by state law.*
- C A tie vote fails, except as provided in §15.2-1420 of the Code of Virginia (1950), as amended.*
- D All adopted motions of the Board of Supervisors shall be construed as resolutions of the Board and shall be recorded in the official minutes as preceded by, "it is hereby resolved that ...". The name of each Board member voting on the motion shall be recorded in the official minutes along with how the member voted.*

2-5 Board to Sit in Open Session

The Board shall sit in open session and all persons conducting themselves in an orderly manner may attend the meetings; provided, however, the Board may conduct Closed Session as permitted under the Virginia Freedom of Information Act.

2-6 Closed Sessions

- A Closed Sessions may only be convened in conformance with §2.2-3711 of the Code of Virginia (1950), as amended, or as otherwise provided by law as there are other provisions that would make such sessions or discussions of items in those sessions confidential.*
- B No resolution, ordinance, rule, contract, regulation or motion agreed to in an Closed Session shall become effective until the Board reconvenes in an open session and takes a vote of the membership on such resolution, ordinance, rule, contract or regulation or motion which shall have its substance reasonably identified in the open meeting.*
- C At the conclusion of an Closed Session, the Board shall reconvene in open session immediately thereafter and shall take a roll call vote certifying that to the best of each member's knowledge:
 - 1 Only public business matters lawfully exempted from open session requirements were discussed; and*
 - 2 Only public business matters identified in the motion convening the Closed Session were heard, discussed or considered.**
- D The failure of the certification to receive the affirmative vote of a majority of the members present during the Closed Session shall not affect the validity or confidentiality of the Closed Session with respect to matters considered therein in compliance with the Freedom of Information Act.*

- E The Board may permit non-members to attend an Closed Session if their presence will reasonably aid the Board in its consideration of an issue.*
- F Any member may request a proposed Closed Session item be pulled from the agenda for a separate vote on entering Closed Session, at his or her discretion.*
- G Any matter discussed in closed session is privileged and shall not be disclosed by any participant in the closed session, except as required by court order.*

2-7 Work Sessions

- A Work sessions may be held as regularly scheduled, specially called or recessed meetings of the Board, in order to work on issues to be considered by the Board in the future.*
- B No formal votes may be taken at a work session.*
- C Work sessions require legal notice pursuant to §2.2-3707 of the Code of Virginia (1950), as amended.*

2-8 Conduct in Meetings

- A The effectiveness and efficiency of governmental bodies in serving the public is enhanced by the proper conduct of all participants, whether government officials, employees, or members of the public, in meetings and work sessions of the Board or any Committees created pursuant to Article VI of these Rules of Procedure.*
- B To this end, all such meetings and work sessions shall be conducted with observance by all participants of the fundamental rules of civility, including restraint in demeanor and respect for others and their views. These rules are reflected in the County's Amended Policy of Civility in Public Service. This rule is not intended to restrict disagreement or opposition to any proposal, motion, or argument. It is intended to restrict the manner in which such disagreement or opposition is expressed to preclude those ways of discourse which tend to disrupt or impair the conduct of a meeting. Shouting, profanity, threats, personal attacks, and other similar actions are unacceptable. Should, in the view of the Chairman or a majority of the Board or any Committee, a participant violate the foregoing guidelines for conduct, the Chairman or the Chairman's designee may address the participant's deviation from the guidelines.*
- C This rule of conduct shall be enforced by the Chairperson of the meeting who may order an unruly or disruptive individual or individuals whose conduct in the judgment of the Chairperson tends to disrupt or otherwise impair the conduct of the meeting, to be removed from the meeting.*

- D *The rules of conduct described in B. above are intended to apply to all Board appointees to any agency, committee, commission, or similar entity, regardless of whether all members of the entity are appointed by the Board.*

III OFFICERS

3-1 Chairman and Vice Chairman

The Chairman shall preside over all meetings of the Board of Supervisors. The Chairman shall appoint Board members to serve on standing committees and ad hoc committees established by the Board of Supervisors, such appointments to be made promptly and within a reasonable time, preferably within one (1) week following the annual meeting. The Vice Chairman shall serve as Chairman when the Chairman is unavailable or unable to act for any reason.

3-2 Clerk

The Clerk of the Board shall be the County Administrator. The County Administrator may appoint one (1) or more members of the County staff to serve as Deputy Clerk of the Board.

3-3 Parliamentarian

The County Attorney shall serve as the Parliamentarian for the purpose of interpreting these Rules of Procedure, Robert's Rules of Order, and any other applicable legal procedures, as may be directed by the Chairman, or as required as a result of a point of order raised by any one (1) or more Board members. If the County Attorney is unavailable, the County Administrator shall serve as Parliamentarian.

3-4 Preservation of Order

At meetings of the Board, the presiding officer shall preserve order and decorum.

IV CONDUCT OF BUSINESS

4-0 Prior to Call to Order or Convening of Business

Invocation shall be conducted in accordance with Va. Code § 15.2-1416.1, prior to the governing body's actual call to order or convening of business.

4-1 Order of Business

The first items shall be the Call to Order and Pledge of Allegiance.

4-2 **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 placed on the Regular Agenda by any member's request. Only one (1) motion is necessary to adopt all recommendations and action items on the Consent Agenda.

4-3 **Citizens' Time**

The Board shall set aside thirty (30) minutes for Citizens' Time at its regularly scheduled public hearing session each month. During this period the Board shall receive comment from any citizen on any topic not set for public hearing at that meeting, and no individual citizen should, at the Chairman's discretion, be allocated more than three (3) minutes of time to address the Board. Speakers shall not be allowed to (a) campaign for public office, (b) promote private business ventures, (c) engage in personal attacks, or (d) use profanity or vulgar language. In the event that not every speaker has had an opportunity to speak within the thirty (30) minutes, the Chairman shall poll the Board on the question of amending the agenda and adding more speaking time to follow the scheduled business of the meeting, to seek the Board's input on receiving the comment at a later time, or extending the Citizen forum.

4-4 **Motions**

- A *No motion shall be discussed prior to being duly seconded in accordance with these Rules of Procedure. Once the motion is seconded, the person making the motion shall have a reasonable time as determined by the Chair to give his/her reasons in support of the motion prior to the start of debate.*
- B *All motions shall be duly seconded before being submitted to the Board for decision.*
- C *When a question is under discussion, no motion shall be received unless it is one to amend, to commit, to postpone, for the previous question, for a substitute motion, a motion to lay on the table, or a motion to adjourn.*
- D *No member should speak more than twice to the same motion.*
- E *No member should speak for the second time on a motion until every member desiring to speak has spoken.*
- F *When a vote upon any motion has been announced, it may be reconsidered during the meeting session in which the motion was made, on the motion of any member who voted with the prevailing side, without the need for a formal motion to reconsider. In the case of a tie vote, neither side shall be considered as having prevailed for the purposes of*

this rule and such reconsideration may be initiated by the motion of any member.

- G In accordance with the Constitution of the Commonwealth of Virginia, a recorded affirmative vote of a majority of the entire Board shall be required to pass any ordinance or resolution imposing taxes, authorizing the borrowing of money, or appropriating funds. The Chair may, at his/her own discretion, call for a roll call vote.*
- H All motions to adopt any ordinance may be by voice vote and the clerk shall ensure that the minutes shall reflect the names of the persons voting and how they voted in the permanent record.*
- I Upon a call for a question, the Chair shall determine whether there exists any objection to ending discussion. If none, the question shall be called. If any person objects, the Chair shall seek a second for the motion to call for the question. A two-thirds (2/3) majority shall be required to end debate.*
- J Failure of a motion couched in the negative shall not authorize positive action. A motion authorizing action, approval, or disapproval must be adopted prior to an action being authorized or any matter being approved or disapproved.*
- K Failure of a motion couched in the negative shall invoke the rule (Rule 4-4G) on the reconsideration of a failed motion.*
- L A tie vote defeats the question being voted upon.*
- M A motion to reconsider must be made at the same meeting or the next immediate meeting. A motion to reconsider must be made by a member of the Board who voted on the prevailing side when the original motion was voted upon. A motion to rescind or to amend a prior action adopting something with continuing effect by the Board may be made by any member of the Board at a subsequent meeting upon proper notice having been given. There is no time limit for the making of such a motion. However, such motions are improper if (1) the original action by the Board was subject to a motion for reconsideration, (2) the action or inaction of third-parties in reliance on the Board's approval of the original Board's action is impossible to undo, or (3) certain personnel actions, as described in Robert's Rules of Order, have been taken. Voting requirements are: (1) a majority of the entire Board, or (2) a majority of a quorum, if the call to the meeting provides the language of any proposed change.*
- N If, on any matter referred to the Board by the Planning Commission on which the Board must make a determination, the Applicant, or a representative of the Applicant who is fully authorized, able, and willing to act on behalf of the Applicant and to answer the Board's questions, fails to appear before the Board in its proceeding on the Applicant's matter,*

the Board may deem the absence of the Applicant or representative to be a request by the Applicant for a tabling of the matter.

4-5 Decisions on Points of Order

The Chairman, when presiding at a meeting of the Board, without vacating the chair, shall refer any point of order to the Parliamentarian for an advisory opinion to the Chairman.

4-6 Same; Appeal to Board

Any member of the Board may appeal to the Board the decision of the Chairman on any question of order or the interpretation of these Rules of Procedure. A majority vote of those present is necessary to overrule the Chairman. No second is required on a member's appeal.

4-7 Motion to Adjourn

At a meeting of the Board, a motion to adjourn shall always be in order.

4-8 Suspending Rules

One (1) or more of these Rules of Procedure may be suspended with the concurrence of the majority of the members present.

4-9 Amendment of Rules

These Rules of Procedure may be amended by majority vote of the entire membership.

4-10 Robert's Rules of Order

The proceedings of the Board, except as otherwise provided in the Rules of Procedure and by applicable State law, shall be governed by Robert's Rules of Order.

V AGENDA

5-1 Preparation

A The Clerk shall prepare a preliminary agenda for the regularly scheduled meetings conforming to the order of business specified in § 4-1 titled "Order of Business".

B Any two (2) Board members may request that items be placed on the agenda by contacting the County Administrator in writing at least ten (10) business days prior to the Board meeting for which they wish the item scheduled. The County Administrator shall place requested items on the preliminary agenda for the next regular meeting following the request, subject to Paragraph A of this section.

- C *All items which are requested to be placed on the preliminary agenda which have not been submitted within the prescribed deadline shall be placed on the next regular agenda for consideration.*

5-2 Delivery of Agenda

- A *The preliminary agenda and related materials for regular Board meetings shall be electronically posted and received by each member of the Board and the County Attorney by 4:00 p.m. on Friday prior to the meeting, unless a later time is approved by a majority of the Board.*
- B *The preliminary agenda and related materials shall be made available to the public within the County Administrative offices at least by 4:00 p.m. Friday prior to the meeting, or at least simultaneously with the Board's receipt.*

5-3 Copies

The Clerk of the Board shall prepare or cause to be prepared extra copies of the preliminary agenda and shall make the same available to the public in the Office of the County Administrator. The Clerk shall also have copies available at each meeting. The Clerk shall post the preliminary agenda in such public places in the County as shall give the public as much notice of the agenda as is feasible.

5-4 Finalization of Agenda

The preliminary agenda shall be finalized at each meeting of the Board upon the Board's decision, by vote or apparent consensus, to add or delete items from the agenda, or to proceed with the agenda without alteration.

5-5 Comments, Queries of Board Members

Board members are to observe the following rules during the discussion of agenda items, public hearings excepted:

- 1 *Comments of Board members must be constructive. The Chairman ensures that comments are constructive.*
- 2 *The Chairman keeps discussions germane to the subject. The Chairman rules other comments out of order.*
- 3 *Discussion by members should be directed at the issue before the Board, and not at other members.*

5-6 Board Commendations

The Board may issue Commendations to any person, persons, or groups for meritorious service to the community or other act meriting special

recognition, by Resolution, as Resolutions are adopted. Such commendations shall be signed by the Chairman of the Board.

VI BOARD AND OTHER COMMITTEES; APPOINTMENT

6-1 Board Committees; Appointments; Vacancies

The Board, by majority vote, may establish or abolish standing or Ad hoc committees of the Board (i.e., Personnel, Rules, etc.). Each committee shall consist of at least three (3) members of the Board, unless otherwise established, and its members shall be appointed by the Chairman, preferably within one (1) week of the committee's creation or any reauthorization. The Chair shall likewise fill any vacancy. In addition, the Chairman shall appoint one Board member as an alternate for each committee, which alternate may sit and vote in the absence of an appointee to a Board committee. The Legislative Committee shall be considered a Committee of the Whole in which all Board Members may participate in, or discuss matters before the Committee.

6-2 Citizen Appointments to Committees

All appointments of citizens, other than members of the Board of Supervisors, shall be made by a majority vote of the Board members present.

6-3 Single Board Member Appointments

Any single Board member's appointment to other committees or groups shall be made by the full Board of Supervisors.

6-4 Officers; Visiting Board Members; Alternate Board Members

- A Each committee shall have a chairman appointed by the Board Chairman. In the absence of the chair, the ranking member (in length of service) present shall serve as temporary chair. In the event that the two (2) members present rank equally, they shall agree among themselves who shall serve as chair.*
- B Any visiting Board Member may attend but not participate in the discussion of the Committee's business, or vote.*
- C In addition to the alternate, if there is a vacancy at a committee meeting, the committee chairman may appoint another Board member not assigned to the committee to fill the vacancy and serve as a voting committee member for that committee meeting.*
- D Any Board member who misses three (3) consecutive regularly scheduled committee meetings of a committee to which he or she is assigned may be removed from that committee by majority vote of the Board of Supervisors.*

6-5 Committee Rules

- A *These rules are promulgated for the purpose of assisting standing and ad hoc Board of Supervisor committees which exist to advise the Board on County related matters.*
- B *Wherever possible, Board committees shall operate in an informal manner. Procedurally, committees are encouraged to work cooperatively so as to not require an abundance of rules. However, at the discretion of the Committee Chairman, the Committee may be required to operate under the rules of procedure adopted by the full Board for the conduct of its business.*
- C *The primary function of Board Committees is to study and prepare issues prior to matters coming before the Board. Committees may often study items more thoroughly, effectively and efficiently than may be done at the full Board level. It is expected that staff will do the primary work.*

6-6 Meeting Times; Notice to Members and the Press

- A *Meetings of committees shall, whenever possible, be held within the week after the regular Board meeting.*
- B *All standing committees should establish regular meeting times and dates, whether monthly or less often. If no business is known, then committees may be canceled with the permission of the Chair of that committee.*
- C *Ad-Hoc Board Committees should endeavor to establish regular meeting dates and times if it appears that the length of their service may extend beyond the range of three (3) months.*
- D *Committees should endeavor to not postpone scheduled meetings where there is business to discuss. Wherever possible, business from missed meetings shall be carried over to the next regularly scheduled committee-meeting day.*
- E *Special (unscheduled) committee meetings shall be allowed if needed, upon written notice authorized by the Committee chair, mailed at least five (5) working days in advance of the meeting date to all committee members and the Board Chair. The Chairman may choose to set a sooner meeting time upon direct notification to, and with the consent of all, committee members.*
- F *The staff shall endeavor to notify the press of all committee meetings as soon as a meeting is scheduled or canceled.*

6-7 Organizational Committee Meetings; Quorum

- A *The first meeting of any committee after the Board's organizational meeting, and the first after the creation of any new or ad hoc board Committees, shall be called by the Chair of the committee pursuant to the notification rules shown above. The Committee should determine its meeting schedule at its organizational meeting, however, it may later amend its schedule as the need arises.*
- B *A quorum for business purposes shall be a simple majority of its members.*

6-8 Call by Chairman; Agenda Preparation

- A *Any committee shall convene under these rules in order to consider any matter specially assigned to it by the Chair, upon his or her written request that the committee meet. Such request may require the committee to meet prior to their next scheduled meeting if, in the opinion of the chairman, it is necessary to do so.*
- B *All committee meetings shall have a staff prepared notice/agenda electronically posted or delivered to the committee members, the public, and the press at least three working days prior to the meeting. This notice may be shorter upon a special called meeting, with the consent of all members, but every effort shall be made to contact the press regarding any committee meeting.*
- C *Agenda items may be added in advance by the full Board, by the Board's or Committee's Chairman, or any two (2) committee members. Otherwise, no item may be considered by the committee, unless at the committee meeting, all committee members present agree to add an item to the committee agenda. Notwithstanding the foregoing, committee agenda items may not be added on issues previously decided by the full Board, except by the Board itself after a motion to reconsider the issue is adopted.*
- D *Committee Agendas and Minutes shall be circulated to all Board members and such other materials as designated by the Committee Chairman.*

6-9 Committee Clerk

The County Administrator may assign a member of staff to the role of committee clerk for the various committees. This may be the same, or different, person than any person named as Deputy Clerk to the Board.