



BY-LAWS
OF THE
KING WILLIAM COUNTY
PLANNING COMMISSION
OF
KING WILLIAM COUNTY, VIRGINIA
FOR
CALENDAR YEAR 2024

Adopted January 11, 2024

ARTICLE 1 - AUTHORIZATION

- 1-1. This Planning Commission is established in conformance with the resolution adopted by the Board of Supervisors of King William County (hereinafter referred to as the "Board") in 1968, and in accord with the provisions of §15.2- 2210 & §15.2-2212, of the Code of Virginia (1950) as amended.
- 1-2. The official title of this Commission shall be the "King William County Planning Commission."

ARTICLE 2 - PURPOSE

- 2-2. The purpose of the King William County Planning Commission (the "Commission") is to promote the orderly development of King William County in accord with 15.2-2210. In accomplishing the objectives of 15.2-2200 the Commission is to serve in an advisory capacity to the Board by preparing plans, ordinances, and other documents to the Board and to carry out all activities as designated by the Board. The Commission also approves, amends, and approves, or disapproves the Comprehensive Plan in accord with the provisions of 15.2- 2225.

ARTICLE 3 - MEMBERSHIP

- 3.1. The Commission shall be composed of members in the number and for the term of office as designated by the Board. The Board shall appoint successors, and the Board shall fill all vacancies.
- 3-2. Members of the Commission shall be appointed for terms of four years as established by the Board.
- 3-3. Vacancies shall be filled by appointment made by the Board and shall be for an unexpired term only.
- 3-4. Members of the Commission shall be eligible for reappointment.
- 3-5. Members of the Commission may be removed by the Board for malfeasance in office, or poor attendance. A Commissioner may be dismissed without limitation in the event that the Commission member is absent from any three consecutive meetings of the Commission or is absent from any four meetings of the Commission within any twelve-month period.
- 3-6. The Board may provide for the payment of expenses incurred by Commission Members in the performance of their official duties and for compensation for services.

ARTICLE 4 - OFFICERS AND THEIR SELECTION

- 4-1. The officers of the Commission shall consist of a Chair, a Vice-Chair, and a Secretary. The Chair and Vice-Chair shall be elected by the membership. The Secretary shall serve at the request of the Commission and may be a member of the Commission, an employee of King William County, or a citizen volunteer.
- 4-2. Nomination of officers shall be made from the floor at the organizational meeting each year. For this purpose, the organizational meeting shall be considered to be the first regularly scheduled meeting held each year, normally in January. A candidate for the offices receiving a majority vote of the entire membership of the Commission shall be declared elected.
- 4-3. Should the Chair and Vice-Chair be absent at any meeting, the Commission shall elect a temporary Chair to serve at the meeting.
- 4-4. Terms of office shall be for one year or until a successor takes office. The Chair and Vice-Chair can succeed themselves, however, only two successive yearly terms are allowed. Officers shall take office at the next regularly scheduled or special called meeting immediately following the organizational meeting.
- 4-5. Vacancies of the offices of Chair, Vice-Chair and/or Secretary shall be filled by a majority vote of the Commission.

ARTICLE 5 - DUTIES OF OFFICERS

- 5-1. The Chair shall:
 - 5-1-1. Be a member of the Commission.
 - 5-1-2. Preside at all meetings.
 - 5-1-3. Appoint committees, special and/or standing.
 - 5-1-4. Rule on all procedural questions (subject to a reversal by a majority vote by the members present).
 - 5-1-5. Be informed immediately of any official communication and report same at the next regular meeting.
 - 5-1-6. Carry out other duties as assigned by the Commission.
 - 5-1-7. When presiding at a meeting of the Commission, without vacating the Chair, may give reasons for any decision made by the Chair on any point of order, and such decision shall be made without debate.

5-2. The Vice Chair shall:

5-2-1. Be a member of the Commission.

5-2-2. Assume the full powers of the Chair in the absence or inability of the Chair.

5-3. The Secretary shall:

5-3-1. Record attendance at all meetings.

5-3-2. Keep a set of minutes of the Commission meetings, which, after approval by the Commission, shall be retained in the Office of the Director of Community Development.

5-3-3. Notify all members of all meetings.

5-3-4. Maintain a file of all Commission records and reports.

5-3-5. Certify all maps, records, and reports of the Commission.

5-3-6. Give notice and be responsible for publishing public notices of all Commission public hearings and public meetings.

5-3-7. Attend to the correspondence of the Commission.

5-3-8. Make recommendations and an annual report to the Board of Supervisors concerning the operation of the commission and the status of planning within King William County.

5.4. All Commissioners - Interaction with Staff.

5-4-1. No one member of the Commission shall direct the Commission, Director of Planning, or any staff member to take any action on behalf of the Commission without a majority consensus of the Commission.

5-4-2. No Commission member shall unduly burden County employees with requests or contacts outside of normal working hours or meetings. Email requests made to staff should also be copied to the Director of Planning and Chair (at a minimum).

ARTICLE 6 - STANDING AND SPECIAL COMMITTEES

6-1. Committees may be appointed by the Chair to serve as needed.

6-2. The Chair shall be an ex officio member of every committee.

ARTICLE 7 – MEETINGS

- 7-1. Regular meetings of the Commission shall be held on the first Tuesday of each month at 6:30 P.M. When a meeting date falls on a legal holiday, the meeting shall be held the following week unless otherwise designated by the Commission. If the Chair, or the Vice Chair if the Chair is unable to act, finds and declares that weather or other conditions are such that it is hazardous for commission members to attend a regularly scheduled meeting, the meeting shall be continued to the following Tuesday at 6:30 P.M. Such finding shall be communicated to the members of the Commission and the press and posted on the County’s website as promptly as possible. All hearing and other matters previously advertised shall be conducted at the continued meeting, and no further advertisement is required. Any regular meeting may be dispensed if there is no new business; this shall be at the discretion of the Chair. The Secretary shall notify the members of the Commission of the canceled meeting. At no time, however, shall more than two consecutive meetings be canceled.
- 7-2. Special meetings shall be called at the request of the Chairman or at the request of a quorum of the membership.
- 7-3. All regular meetings, work sessions, hearings, records, and accounts shall be open to the public except those meetings subject to the rules of executive session as set forth in the Code of Virginia. There shall be a Citizen Comment Period at each of the regular Planning Commission meetings. The Citizen Comment Period will allow a member of the Public three (3) minutes to speak about any planning matter, except agenda items scheduled for a Public Hearing.
- 7-4. A majority of the members shall constitute a quorum and no action of the Commission shall be valid unless authorized by a majority vote of those present and voting in accord with 15.2-2215.
- 7-5. Meetings should be held in the Board Room of the King William County Administration Building unless circumstances dictate some or all members meet electronically, as the law permits.
- 7-6. Policy for Electronic Board Meeting and Remote Participation in Commission Meetings.

Except as provided hereafter, the Commission does not conduct any meeting wherein the public business is discussed or transacted through telephonic, video, electronic, or other electronic communication means. This policy is applied strictly and uniformly, without exception, to the entire membership of the Commission and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

For the purposes of this policy, “electronic communication” means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

7-6-1. Quorum Physically Assembled: When a quorum of the Commission is physically assembled, individual members of the Commission may use remote participation to attend a meeting if

- On or before the day of the meeting, the member of the Commission notifies the Chair, Planning Director, and/or Planning Secretary that such member is unable to attend the meeting due to
- temporary or permanent disability or other medical condition that prevents the member's physical attendance,
- family member's medical condition that requires the member to provide care for such family member thereby preventing the member's physical attendance,
- the member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting, or
- that such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter; and
- The Commission approves the member's participation by a majority vote of the members present at the primary or central meeting location based only on the criteria in this policy. If a Commission member's participation from a remote location is disapproved, such disapproval is recorded in the minutes with specificity.
- Remote participation by Commission members is subject to the following generally applicable requirements:
- A quorum of the Commission must be physically assembled at one primary or central meeting location.
- Participation by a Commission member by electronic communication means due to a personal matter is limited each calendar year to two meetings or 25% of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
- The Commission must arrange for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
- The minutes of the meeting must reflect the following:
- The remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description.

- The fact that the member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition that prevented the member's physical attendance, (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance; (iii) the distance between the member's principal residence and the meeting location; or (iv) the specific nature of the personal matter cited by the member.

7-6-2. Quorum Not Physically Assembled: The Commission may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Virginia Code § 44-146.17, or the Board has declared a local state of emergency pursuant to Virginia Code § 44-146.21, provided: (1) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and (2) the purpose of the meeting is to provide for the continuity of operations of the Commission or the discharge of its lawful purposes, duties, and responsibilities. If the Commission holds a meeting pursuant to this section, it shall:
Give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided to members of the Commission; and

- Make arrangements for public access to the meeting through electronic communications means, including videoconferencing if already used by the Commission; and
- Provide the public with the opportunity to comment at those meetings when Citizen comment is customarily received; and
- State in the minutes of the meeting the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held; and
- Otherwise comply with the provisions of the Virginia Freedom of Information Act.

ARTICLE 8 – CONDUCT OF BUSINESS

8-1. For all regular meetings of the Planning Commission, the Director of Planning shall cause to be prepared and delivered to each member of the Planning Commission at least five (5) working days in advance of such meeting, an agenda listing all matters to be considered by the Planning Commission at such meeting. Any requests for inclusion of an item on the agenda must be in the Planning Office by 12:00 p.m. ten (10) working days prior to the meeting. The Planning Commission may add items to the agenda which were not received by the deadline at its discretion, either by consensus or by a formal vote of the majority.

- 8.2 Any matter not disposed of at a regular meeting shall be included on the agenda of the next regular meeting, except that the Planning Commission may continue consideration and disposition of the matter to a date, time and/or place other than the next regular meeting upon a majority vote of those members present.
- 8-2. Any citizen (individual, firm, association, or corporation) desiring to appear before the Planning Commission to make a presentation shall make a request to the Director of Planning and receive approval; however, no written application or approval shall be required in order to speak to the Planning Commission during Citizens Comment Period or at public hearings.
- 8-3. The Secretary to the Planning Commission shall prepare or cause to be prepared extra copies of the agenda and shall make the same available to the public in the Planning Department at the same time the agenda is delivered to the Planning Commission. The Secretary shall also have extra copies available at the meeting.

ARTICLE 9- ORDER OF BUSINESS

- 9-1. The order of business for a regular meeting shall be:
 - 9-1-1. Call to Order
 - 9-1-2. Approval of Electronic Participation by a Commission Member
 - 9-1-3. Roll Call
 - 9-1-4. Moment of Silence
 - 9-1-5. Pledge of Allegiance
 - 9-1-6. Review and Adopt Meeting Agenda
 - 9-1-7. Approval of Minutes
 - 9-1-8. Citizen Comment Period
 - 9-1-9. Public Hearings
 - 9-1-10. Unfinished Business
 - 9-1-11. New Business
 - 9-1-12. Director's Report
 - 9-1-13. Staff and/or Special Committee Reports

9-1-14. Commission Member Requests and Comments

9.1.15. Closed Session Meeting (if necessary)

9-1-16. Adjourn or Recess

9-2. Parliamentary procedure in Commission meetings shall be governed by a modified version of Robert's Rules of Order (Revised). Any Commission member may, at any time, table a matter that has not been tabled previously without a second to the motion. A motion to table a matter upon a single members' motion may be overruled by a motion of another member, which is properly seconded and passed by a majority vote of the Commission.

9-3. The Planning Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.

9-3-1. The secretary shall sign all minutes, and at the end of the year shall certify that the minutes of the preceding year are true and correct.

9-3-2. Retain audio-visual recordings of the meetings until after the Minutes have been approved and three months after the end of the calendar year, whichever is longer. Document destruction shall be in accordance with the Virginia Public Records Act.

ARTICLE 10 - HEARINGS

10-1. In addition to those required by law, the Commission, at its discretion, may hold public hearings when it deems that a hearing is in the public interest.

10-2. Notice of a hearing shall be published in a newspaper having general circulation in the area once a week for two (2) successive weeks specifying the time and place of hearing at which persons affected may appear and present their views, not less than five (5) days nor more than twenty-one (21) days after final publication, or as otherwise set forth in the Code of Virginia. Non legal matters, or informational meetings not covered by the Code of Virginia, but called by the Commission, may be advertised once in a/any paper deemed appropriate by the Commission for the meeting purpose.

10-3. The case before the Commission shall be summarized by the Chair or by the Secretary or other members delegated by the Chair. Interested parties shall have the privilege of the floor. The Chair, prior to the public hearing, may set time limits as to the length of time that the applicant, individuals, and persons representing groups may speak. Records or statements shall be recorded or sworn to, as evidence or any court of law, only after notice is given to the interested parties.

10-4. A record shall be kept of those speaking before the hearing.

ARTICLE 11 - CORRESPONDENCE AND APPLICATION INFORMATION

11-1. It shall be the duty of the Secretary to draft and sign all correspondence necessary for the execution of the duties and function of the Planning Commission.

11-2. It shall be the duty of the Secretary to communicate by telephone or other means when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

11-3. All information from the applicant for a given activity, whether it is for consideration of a rezoning, subdivision, or site plan, shall be submitted to the Secretary by the first business day of the month preceding the meeting. The Commission may rule that if information is received after the aforementioned date the information shall not be utilized and the application may be denied or tabled as appropriate.

11-4. All official papers and plans involving the authority of the Commission shall bear the signature of the Secretary.

ARTICLE 12 - AMENDMENTS

12-1. These bylaws may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) days prior notice to membership. Such notice shall include the proposed language for the amendment.