

# BYLAWS

## TOWN OF SOUTH BOSTON, VIRGINIA PLANNING COMMISSION

### ARTICLE I – AUTHORIZATION

- 1.1 This planning commission is established in conformance with an ordinance adopted by the South Boston Town Council, Virginia on June 4, 1945; and in accord with the provisions of Section 15.2-2210, Code of Virginia (1950), as amended.
- 1.2 The official title of this planning commission shall be "South Boston Planning Commission", hereinafter referred to as the "Commission".

### ARTICLE II – PURPOSE, POWERS, AND DUTIES

- 2.1 The purpose of the Commission is to assist the Town Council to anticipate and guide future development and change by preparing plans, ordinances, capital improvements programs, studies, reports, and other documents for consideration by the Town Council.
- 2.2 The Commission shall also act in accordance with Chapter 78 (Planning) of the South Boston Town Code.
- 2.3 In the case of any conflict between these by-laws and Chapter 78 (Planning) of the South Boston Town Code, Chapter 78 shall supersede these by-laws.
- 2.4 In the case of any conflict between these by-laws and Virginia state law, Virginia state law shall supersede these by-laws.

### ARTICLE III – MEMBERSHIP

- 3.1 The planning commission shall be composed of seven members. One of the members may be a member of the town council and one may be an administrative officer of the town. Both of these members shall be appointed by the town council. The remaining five members of the planning commission shall be residents of the town and shall be qualified by knowledge and experience to make decisions on town growth and development. These five members shall be appointed by the town council. At least one-half of the members shall be owners of real property.
- 3.2 The terms of office of the member of the planning commission who is a member of the town council and the member who is an administrative officer of the town shall be coextensive with the terms of office to which they have been elected or appointed, unless the council, at the first regular meeting each year, appoints others to serve as its representatives. The terms of office of the five members chosen from citizens of the town shall be for staggered terms of four (4) years each. Terms of office shall begin on January 1, and expire four (4) years thereafter.
- 3.3 Any vacancy in membership shall be filled by appointment of the Town Council and shall be for the un-expired portion of the term only.
- 3.4 No member of the Commission shall serve more than two full consecutive terms.
- 3.5 Members of the planning commission may be removed for inefficiency, neglect of duty, malfeasance in office; provided, that no member of the planning commission shall be removed

from office unless the town council shall first consider the matter, at which time the member to be removed shall be given the opportunity to appear and be heard in person or by counsel.

- 3.6 Terms of office shall begin on January 1, and expire four years thereafter.
- 3.7 The Town Council may provide for the payment of the expenses incurred by Commission members in the performance of their official duties and compensation for services.
- 3.8 In the case that a Planning Commissioner misses more than three (3) meetings in a twelve (12) month period, the Planning Commission may recommend that the Town Council review the matter per Section 3.5 of these by-laws.
- 3.9 All Planning Commissioners shall successfully complete the Virginia Certified Planning Commissioners' Program within eighteen (18) months of their appointment by the Town Council.

#### ARTICLE IV – SELECTION OF OFFICERS

- 4.1 Officers of the Commission shall consist of a chairman, vice-chairman, and secretary. The chairman and vice-chairman 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 the Town government, or a citizen volunteer.
- 4.2 Nomination of officers shall be made from the floor at the regular December meeting each year. Election of officers shall follow immediately. A candidate receiving a majority vote of the entire membership shall be declared elected.
- 4.3 Officers' terms shall be for one (1) year.
- 4.4 Any vacancies in office shall be filled for the un-expired portion of the term in the same manner as the officers are originally chosen.

#### ARTICLE V – DUTIES OF OFFICERS

- 5.1 The Chairman shall be a member of the Commission and shall:
  - 5.1.1 Preside at all meetings.
  - 5.1.2 Appoint all committees.
  - 5.1.3 Rule on all procedural questions subject to a reversal by a two-thirds (2/3) majority voted by the members present.
  - 5.1.4 Be informed immediately of any official communication, and report same at the next regular meeting.
  - 5.1.5 Certify all official documents involving the authority of the Commission.
- 5.2 The Vice-chairman shall be a member of the Commission and shall:
  - 5.2.1 Act in the absence or inability of the chairman to act, with the full powers of the chairman.
- 5.3 The Secretary shall:
  - 5.3.1 Record attendance at all meetings.

- 5.3.2 Record the minutes of the Commission meeting.
- 5.3.3 Distribute the minutes no later than the Friday before all regularly scheduled meetings.
- 5.3.4 Notify all members of all meetings.
- 5.3.5 Maintain a file of all official Commission records and reports.
- 5.3.6 Certify all maps, records, and reports of the Commission.
- 5.3.7 Give notice and be responsible for publishing public notices of all Commission public hearings and public meetings.
- 5.3.8 Attend to the correspondence necessary for the execution of the duties and functions of the Commission.
- 5.4 The planning commission may:
  - 5.4.1 Create and fill such other offices as it deems necessary;
  - 5.4.2 Appoint such employees and staff as it deems necessary for its work; and
  - 5.4.3 Contract with consultants for such services as it requires, upon approval by the town council.

## ARTICLE VI – COMMITTEES

- 6.1 Committees may be appointed by the chairman for purposes and terms approved by a majority of the Commission.
- 6.2 The Chairman shall be an ex-officio member of every committee.

## ARTICLE VII – MEETINGS

- 7.1 Regular meetings of the Commission shall be held on the second Wednesday of the month at 6:00 p.m.
- 7.2 When a meeting date falls on a federal holiday, the meeting shall be held on the day following unless otherwise designated by the Commission.
- 7.3 The Commission shall meet at least every two months.
- 7.4 In the case of inclement weather, the meeting shall be held on a day later in the month as designated by the Commission.
- 7.5 Special meetings may be called at any time by the chairman or by four (4) members of the Commission; provided that the chairman and all Commission members are duly notified a reasonable period of time prior to such meeting, and no business shall be transacted at a special meeting thereof, except that for which it shall be called. If all members are present, this provision may be waived by a majority vote of the Commission.
- 7.6 The order of business for a regular meeting shall be:
  - 7.6.1 Call to order and establishment of quorum.
    - 7.6.1.1 Quorum shall be established by the chairman.

- 7.6.2 Approval of minutes and agenda.
- 7.6.3 Public Hearings.
- 7.6.4 Old Business.
- 7.6.5 New Business.
- 7.6.6 Comments from the public.
- 7.6.7 Adjournment.
- 7.7 The Commission shall keep a set of minutes of each meeting, and these minutes shall become a public record subject to the Virginia Freedom of Information Act.
- 7.8 The order of business may be changed with the concurrence of a majority of those members present at the meeting.
- 7.9 Any individual wishing to comment on a matter before the Planning Commission will have up to five (5) minutes available, whether speaking as an individual or as a representative of one or more firms, groups or organizations. This time limit may be extended upon approval by a majority of the Planning Commission members present. The presiding officer shall enforce the time limit as appropriate.

## ARTICLE VIII – VOTING

- 8.1 A majority of members shall constitute a quorum.
- 8.2 No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

## ARTICLE IX – PUBLIC HEARINGS

- 9.1 In addition to those required by law, the Commission may hold public hearings on any matter it deems to be in the public interest.
- 9.2 Notice of public hearing shall be in compliance with state law.
- 9.3 Applications for items requiring public hearings before the Planning Commission shall be accepted no later than six (6) weeks prior to the public hearing.
- 9.4 The chairman or his/her designated representative shall summarize the matter before the Commission allow interested parties to address the Commission and accept written statements and other documentation pertinent to the matter before the Commission.
- 9.5 An accurate, written record shall be made of the proceeding of a public hearing and maintained as a part of the Commission's files.

## ARTICLE X – AMENDMENTS

- 10.1 These bylaws may be amended by a majority vote of the members present at least fourteen (14) days prior notice.
- 10.2 These bylaws may be amended during a special meeting.

## ARTICLE XI – MISCELLANEOUS

- 11.1 In any proceeding before the planning commission, any member of such commission who owns or has any interest in the land to be rezoned or to be approved under Code of Virginia, § 15.1-456, shall be subject to the State and Local Government Conflict of Interests Act (Code of Virginia, § 2.1-639.1 et seq.)
- 11.2 The planning commission may expend, under regular town procedure as provided by law, sums appropriated to it for its purposes and activities. Such expenditures, exclusive of gifts and grants, shall be within the amounts appropriated by the town council.
- 11.3 The town council may accept gifts and donations for planning commission purposes. Any money so accepted shall be deposited with the town council in a special non-reverting planning commission fund to be available for expenditure by the planning commission for the purpose designated by the donor. The finance director may issue warrants against such special fund only upon vouchers signed by the chairman and the secretary of the planning commission.