

# **By Laws of the Montgomery County Planning Commission**

Last Revised 02/13/08

## **MONTGOMERY COUNTY PLANNING COMMISSION**

### **ARTICLE 1 - OBJECTIVES**

1-1. This commission, established in conformance with the motion unanimously adopted by the Montgomery County Board of Supervisors on the 17th day of June, 1958, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, and acts amendatory hereto, Code of Virginia.

1-2. The official title of this Commission shall be the "Montgomery County Planning Commission".

1-3 The current edition of Roberts Rules of Order shall govern in the deliberations of the Planning Commission, except as otherwise provided by these by-laws. (10/16/96)

### **ARTICLE 2 - MEMBERS**

2-1. The Montgomery County Planning Commission shall consist of not more than fifteen (15) members and not less than five (5) members. A member of the Board of Supervisors shall be appointed as an ex-officio member of the Planning Commission and shall be a non-voting member. The Director of Planning shall serve as an ex-officio member of the Planning Commission and shall be a non-voting member. (4/21/76, 7/20/77, 1/16/91)

2-2. The term of the member from the Board of Supervisors shall correspond to his/her tenure of office. As the term of the members first appointed to this Commission, or their replacements, expire, their successors shall be appointed for terms of four (4) years. Any vacancy in membership shall be filled by appointment by the Board of Supervisors. It shall be for an unexpired term only. (10/16/96)

2-3. Any appointed member may be removed by the Board of Supervisors for inefficiency, neglect of duty or malfeasance in office. Such removal may be made only after a public hearing when the member is given an opportunity to appear and be heard on the charges against him.

2-4. The Board may provide for the payment of expenses and a reasonable compensation for members of the Commission who are not County employees.

### **ARTICLE 3 - OFFICERS AND THEIR SELECTION**

3-1. The officers of the Planning Commission shall consist of a Chair, a Vice-Chair and a Secretary. With consent of the Commission, the Director of Planning, the Zoning Administrator or similar official may serve as Secretary of the Commission; otherwise, the Secretary shall be selected from the membership. (10/16/96)

3-2. Nomination of officers shall be made by a Nominating Committee appointed by the Chair. This committee shall report their list of candidates to the regular November meeting of the Commission each year. Nominations from the floor shall also be permitted. The election of officers shall follow immediately. (10/21/81) (10/16/96)

3-3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. He/She shall take office January 1st, the following year and serve for one (1) year or until his successor shall take office.

3-4. Repealed 8/24/92

3-5. No member shall be elected to the same office for more than two (2) successive one-year terms. A member may be elected to an office previously held for two (2) one-year terms, providing an interval of one year has elapsed since he last held that office.

#### **ARTICLE 4 - DUTIES OF OFFICERS**

4-1. The Chair shall be an appointed member of the Commission and shall: (10/16/96)

4-1-1. Preside at all meetings.

4-1-2. Appoint committees, special and/or standing and liaisons. (10/16/96)

4-1-3. ~~Rule on all procedural questions (subject to a reversal by a two-thirds (2/3) majority vote of the members present).~~ **Repealed 2/13/08.**

4-1-4. Be informed immediately of any official communication and report same at the next regular meeting.

4-1-5. Represent the Commission before the Board of Supervisors and other public bodies except when this responsibility has been delegated to an appropriate official or Commission member.

4-1-6. Carry out other duties as assigned by the Commission.

4-1-7. Fill any vacancies in the offices of Vice-Chair or Secretary by appointment lasting through January 1st of the following year. (8/24/92) (10/16/96)

4-2. The Vice-Chair shall be an appointed member of the Commission and shall: (10/16/96)

4-2-1. Act in the absence or inability of the Chair to act. (10/16/96)

4-2-2. Have the powers to function in the same capacity as the Chair in cases of the Chair's inability to act. (10/16/96)

4-2-3. Fill immediately any vacancy in the office of Chair through January 1st of the following year. (8/24/92) (10/16/96)

4-2-4. Be responsible for the orientation of new members of the Commission. (8/24/92)

4-3. The Secretary shall:

4-3-1. Keep a written record of all business transacted by the Commission.

4-3-3. Keep a file of all official records and reports of the Commission.

4-3-4. Certify all minutes of the Commission. (10/16/96)

4-3-5. Give notice of all hearings and public meetings.

4-3-6. Attend to the correspondence of the Commission.

4-3-7. Keep a set of minutes.

4-3-8. Prepare and be responsible for the publishing of all advertisements relating to public hearings.

4-3-9. If the Secretary is an appointed member of the Commission, the Secretary may, with the consent of the Commission, delegate any of the above responsibilities of the Secretary to the Director of Planning, Zoning Administrator or similar official, except that the certification of minutes of the Commission may not be delegated. (10/16/96)

**4-3-10. Rule on all procedural questions. (2/13/08)**

#### **ARTICLE 5 - STANDING AND SPECIAL COMMITTEES**

5-1. The following standing committees may be appointed by the Chair. Necessary standing committees should be appointed within thirty (30) days after the Chair takes office. (10/16/96)

5-1-1. DEVELOPMENT COMMITTEE: Review all rezoning requests, special use permit requests and major subdivision plats and make recommendations to the Commission; review procedures for processing zoning and subdivision requests; review all amendments to the Zoning Ordinance and Subdivision Ordinance. This Committee will work cooperatively with the Zoning Administrator and Subdivision Agent. The member of the Board of Supervisors serving as an ex-officio member of the Planning Commission shall be a member of the Development Committee. (12/19/90), (2/19/92)

5-1-2. Repealed 8/24/92

5-1-3. Repealed 8/24/92

5-1-4. Repealed 8/24/92

5-1-5. Repealed 1/16/80.

5-1-6. ADMINISTRATION COMMITTEE: Develop and maintain appropriate working relationships with County officials and other units of government. Draft a Planning Budget for recommendation to the Commission; review the Bylaws of the Commission and give general direction to the work of the Commission. Members of this Committee shall include the Chair, Vice-Chair, Secretary, and the ex-officio members of the Commission. (4/21/76) (10/16/96)

5-1-7. Each standing and special committee shall prepare a written report of meetings held to become a part of the permanent records of the Commission.

## **ARTICLE 6 - MEETINGS**

6-1. Regular meetings of the Commission shall be held on the second and third Wednesdays of each month, commencing at 7:00 p.m. and ending at 10:00 p.m. Meetings may be extended beyond 10:00 p.m. with the approval of two-thirds (2/3) of the members present. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the Commission. (10/16/85, 3/16/88) (6/18/97)

6-1-1 Commission public hearings shall be held during the regular meeting on the second Wednesday of each month. (6/18/97)

6-2. Special meetings shall be called at the request of the Chair or at the request of any three members of the Commission. Written notice of special meetings shall be given to each member at least five (5) days prior to such meetings. It shall state the purpose and time of the meeting. (2/16/77),(8/24/92) (10/16/96) (6/18/97)

6-3. A majority of the membership of the Commission shall constitute a quorum. When a quorum is present, a majority vote, that is a majority of the votes cast, ignoring abstentions, is sufficient for the adoption of any motion. Voting shall be by roll call and a record shall be kept as part of the minutes. (5/15/96) (01/12/05)

6-4. Meetings shall be open to the public except when deemed necessary, in which case the Commission may go into Executive (closed) Session, when the provisions of the Virginia Freedom of Information Act, Chapter 21, Code of Virginia, and amendments thereto, are applicable and adhered to.

6-5 Regular meetings of the Commission may be continued to the following Wednesday if the chairman, or vice chairman if the chairman 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 the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at he continued meeting and no further advertisement is required. (2/11/04)

## **ARTICLE 7 - ORDER OF BUSINESS**

7-1. The order of business for a Regular Meeting shall be:

7-1-1. Call to Order by the Chair. (10/16/96)

7-1-2. Roll call by the Secretary.

7-1-3. Determination of a quorum.

7-1-3-1 Public Hearings (2nd Wednesday)(6/18/97)

7-1-4. Public Addresses.

7-1-4-1. Delegations (10/16/96)

7-1-5. Approval of agenda.

- 7-1-6. Approval of minutes.
- 7-1-7. Report of the Secretary.
- 7-1-8. Consent Agenda (1/15/92) (6/18/97)
- 7-1-9. Old Business (1/15/92)
- 7-1-10. New Business (1/15/92)
- 7-1-11. Report of Standing Committees (3rd Wednesday) (1/15/92) (6/18/97)
- 7-1-12. Report of Special Committees (3rd Wednesday) (1/15/92) (6/18/97)
- 7-1-13 Liaison Reports (3rd Wednesday)(10/16/96) (6/18/97)
- 7-1-14 Planning Director's Report (3rd Wednesday) (10/16/96) (6/18/97)
- 7-2. Public Address portion of the meeting will be limited to 30 minutes. Individual speakers will be limited to 3 minutes unless prior approval is obtained from the Chair. (10/16/96)
- 7-2-1 Public Hearing portion of the meeting will allow any individual to address the Commission one time. Individual speakers will be limited to 3 minutes unless prior approval is obtained from the Chair. (6/18/97)
- 7-3. Delegations (governmental and community organizations) will not exceed 10 minutes unless prior approval is obtained from the Chair. (10/16/96)
- 7-4. Discussion of Agenda items requiring approval will occur only after a motion is on the floor. (10/16/96)
- 7-5. Motions for tabling an item should include reasons for tabling. (10/16/96)
- 7-6 The Planning Director is authorized to prepare for each meeting a consent agenda for consideration by the Commission. The consent agenda may include any item believed by the Planning Director to be routine and not controversial in nature. (6/18/97)
- 7-6-1 Any member of the Commission may request to have any item removed from the consent agenda. Such request need not be seconded. Such item shall then be taken up for discussion by the Commission. A single motion and roll call vote in favor thereof shall approve all items remaining on the consent agenda. (6/18/97)

#### **ARTICLE 8 - HEARINGS**

- 8-1. In addition, to those required by law, the Commission, at its discretion, may hold public hearings when it determines that a public hearing would be in the public interest.
- 8-2. Notice of a hearing shall be published in a newspaper of general circulation in the area at least five days (5) days before the time of the public hearing.
- 8-3. The case before the Commission shall be summarized by the Chairman by the Chairman or his designated representative. Interested parties shall have the privilege of the floor. Statements may be recorded. Records shall be sworn to, as evidence for any court of law; only after notice is given to the interested parties.
- 8-4. A recording shall be kept of those speaking before the hearing.

#### **ARTICLE 9 - CORRESPONDENCE**

- 9-1. Repealed (10/16/96)
- 9-2. 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.
- 9-3. All official papers and plans involving the authority of the Commission shall bear the signature of the Chair or Vice-Chair. (10/16/96)

#### **ARTICLE 10 - AMENDMENTS**

10-1. These by-laws may be changed by a recorded two-thirds (2/3) vote of the entire membership.

10-2. The Commission may temporarily suspend any of these rules by a recorded two-thirds (2/3) vote of the members present. (10/16/96)