

**BY-LAWS AND RULES OF PROCEDURE  
OF THE  
BOARD OF SUPERVISORS  
OF  
KING WILLIAM COUNTY, VIRGINIA  
FOR  
CALENDAR YEAR 2021**



## **SECTION 1 – MEETINGS**

### **Section 1-1 When and Where Regular Meetings are Held**

The time and place of regular meetings of the Board of Supervisors shall be established at each annual meeting. Regular meetings shall be called to order at 7:00 p.m., EST and DST in the Board Room of the County Administration Building, on the fourth Monday of each month and at such other dates, times and places as may be set by the Board at its annual meeting. Should the Board subsequently prescribe any meeting time or place other than that initially established, it shall comply with Section 15.2-1416 of the Code of Virginia, as amended.

If the Chairman, or the Vice Chairman, if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for Board members to attend a regularly scheduled meeting, the meeting shall be continued to the following Thursday at 7:00 p.m. in the Board Room of the County Administration Building. Such finding shall be communicated to the members of the Board and the press and posted on the County's website as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting, and no further advertisement is required.

### **Section 1-2 Special Meetings**

The Board of Supervisors 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 as it may find convenient and/or necessary. A special meeting of the Board of Supervisors shall be called pursuant to Section 15.2-1418 of the Code of Virginia, as amended.

### **Section 1-3 Annual Meetings**

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.

#### **Section 1-3.1 Electronic Participation in Board Meetings**

- (1) On or before the day of a meeting, the member shall notify the Chairman and the Clerk that the member is unable to attend the meeting due to an emergency or a personal matter. The member must identify with specificity the nature of the emergency or personal matter. A member may also notify the Chairman and the Clerk that the member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance, but need not disclose the specific nature of such condition.

- (2) A quorum of the Board must be physically assembled at the primary or central meeting location. The Board members present must approve the participation; however, the decision shall be based solely on compliance with the conditions contained in this section, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Clerk shall record in the minutes the specific nature of the emergency or personal matter, or the existence of a medical disability (but not the specific nature of such disability) and the remote location from which the absent member participated. The approval or disapproval of the absent member's remote participation shall be recorded in the meeting minutes and if participation is disapproved because such participation would violate this policy, the facts constituting such violation shall also be recorded.
- (3) Participation by the absent member shall be limited in each calendar year to two (2) meetings of the Board.
- (4) The Clerk shall make arrangements for the voice of the absent member to be heard by all persons in attendance at the meeting location.

#### **Section 1-4 Quorum and Method of Voting**

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 viva voce vote of a majority of the supervisors voting on any such question, unless otherwise provided by law. The name of each member voting and how he or she voted must be recorded. The Board of Supervisors has elected not to have a tie breaker as provided for by Section 15.2-1421 of the Code of Virginia, and a tie vote on any motion shall defeat the motion.

#### **Section 1-5 Procedure for Roll Call for Board Members**

- (1) The Chairman of the Board of Supervisors shall cast the last vote.
- (2) The members of the Board of Supervisors shall cast votes in district order on a rotating basis.

#### **Section 1-6 Board to Sit with Open Doors**

The Board of Supervisors shall sit with open doors, and all persons conducting themselves in an orderly manner may attend the meetings. However, the Board may hold closed meetings as provided in the Virginia Freedom of Information Act.

## **SECTION 2 – OFFICERS**

### **Section 2-1 Election and Term of Chairman and Vice Chairman**

At the annual meeting of the Board of Supervisors, the Board shall elect from its membership a Chairman and Vice Chairman, each of whom shall serve for a term of one year expiring on December 31, or until their respective successors shall have been elected. In the case of the absence from any meeting of the Chairman and Vice Chairman, the members present shall choose one of their number as temporary Chairman.

### **Section 2-2 Chair May Administer Oaths**

The Chairman shall have power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers and duties.

### **Section 2-3 Clerk**

The Clerk of the Board shall be the County Administrator, whose duties and responsibilities shall be those set forth in State law or delegated by the Board of Supervisors. At the discretion of the Board, any County employee can be designated as Deputy Clerk or Temporary Clerk.

### **Section 2-4 Parliamentarian**

The County Attorney shall serve as the Parliamentarian.

### **Section 2-5 Preservation of Order**

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

## **SECTION 3 - CONDUCT OF BUSINESS**

### **Section 3-1 Agenda**

For all regular meetings of the Board of Supervisors, the County Administrator or Deputy Clerk shall cause to be prepared and delivered to each member of the Board and the Board's attorney at least five (5) working days in advance of such meeting, an agenda listing all matters to be considered by the Board at such meeting. Any requests for inclusion of an item on the Board agenda must be in the office of the County Administrator by 12:00 p.m. ten (10) working days prior to the Board meeting. The Board 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. Any matter not disposed of at a regular meeting shall be included on the agenda of the next regular meeting, except that the Board 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.

Any citizen (individual, firm, association, or corporation) desiring to appear before the Board of Supervisors to make a presentation shall make a request to the Clerk or the Clerk's designee and receive approval; however, no written application or approval shall be required in order to speak to the Board during Citizens Comment Period or at public hearings.

The Clerk to the Board shall prepare or cause to be prepared extra copies of the agenda and shall make the same available to the public in the Office of the County Administrator at the same time the agenda is delivered to the Board. The Clerk shall also have copies available at each meeting.

### **Section 3-2 Order of Business**

At regular meetings of the Board, the order of business shall generally be as follows:

- (a) Call to Order
- (b) Roll Call of Members
- (c) Moment of Silence
- (d) Pledge of Allegiance
- (e) Agenda Review and Adoption of Agenda
- (f) Public Comment Period
- (g) Consent Agenda
  - a. Approval of Minutes
  - b. Approval for Payment of Bills
  - c. Approval of Routine Business Matters and Recognitions
- (h) Presentations
- (i) Old Business
- (j) New Business (includes scheduled Public Hearings)
- (k) Administrative Matters
- \* (l) Matters Presented by the Board
- (m) Closed Meeting (if needed)
- (n) Appointments

\* This time is generally used for individual Board members to offer comment or to share information with other members of the Board and the public. Items presented under this heading requiring action will be for future agenda items or for additional information from staff members only. No item presented under this heading or at any point during the meeting will be acted upon at the meeting at which presented unless it is with the unanimous consent of the Board that the item be put on the floor for action.

Any advertised public hearing shall be considered a special order of business at the time set for such hearing and shall supplant any matter on the agenda except the approval of the minutes and approval for payment of bills.

During Citizens Comment Period, speakers wishing to address the Board shall clearly state their name and address and, if applicable, organization represented. Speakers shall limit their remarks to three (3) minutes if speaking as an individual and five (5) minutes if speaking on behalf of an organization. Speakers may not yield any unused portion of their speaking time to others. Each speaker shall be limited to one appearance at each Comment Period provided by the Board. Speakers shall be limited to speaking on matters within the purview of the Board.

Except as provided herein, no regular, special or closed meeting or public hearing of the Board of Supervisors shall continue after 11:00 p.m., but such meeting or public hearing shall be continued to the next regular meeting or another date, time, and place established by a majority vote of those members present. Any agenda item or public hearing matter under consideration by the Board at 11:00 p.m. may proceed and be acted upon prior to the adjournment of the meeting or public hearing. After 11:00 p.m., the Board may consider and act upon any or all of the matters remaining on the meeting or public hearing agenda but not yet considered by the Board upon a majority vote of those members present.

**Section 3-3 Manner of Addressing Board Generally: Speaking Only on Question Before Board**

- (1) Any person, including a Board member, who speaks to the Board shall address the Chair and shall confine comments to the question before the Board.
- (2) No person in attendance at a meeting of the Board shall be permitted to address the Board while the members are considering any motion, resolution or ordinance preliminary to a vote on the same, except at the discretion of the Chair.
- (3) During those times when the public is addressing the Board, the Chair may appoint a timekeeper who shall notify speakers and the Board that the allotted time for addressing the Board has expired. Speakers shall conclude their remarks at that time unless the consent of a majority of the Board is affirmatively given to extend the speaker's allotted time.
- (4) All presentations to the Board shall normally be limited to no more than ten (10) minutes, except as hereinafter provided.
- (5) Where persons desire to be heard, other than at citizens comment period, upon matters not on the agenda, the consent of a majority of the members of the Board present shall be required.

### **Section 3-4 Use of Offensive Language or Gestures; Sectarian or Political Discussion**

No member of the Board shall, in debate at any meeting of the Board use any language or gesture calculated to offend or insult another board member or the public. No discussion of a sectarian or partisan character shall be engaged in by any member of the Board.

### **Section 3-5 Priority in Speaking to Board**

When two or more members of the Board wish to speak at the same time, the Chairman shall name the one to speak.

### **Section 3-6 Speaking More than Once on Same Subject**

In any debate before the Board, no member of the Board shall speak more than once on the same question until all the others have spoken who desire to do so, nor more than twice on the same question, unless by consent of the Board.

### **Section 3-7 Form of Petitions, etc.**

Every petition, communication, or address to the Board shall be in respectful language and, except in cases where it is otherwise allowed, shall be in writing.

### **Section 3-8 Motions**

No proposition shall be entertained by the Chairman until a motion for the same has been duly made and seconded. The Chairman may make a motion without vacating the Chair.

### **Section 3-9 Decision on Points of Order**

The Chairman, when presiding at a meeting of the Board, 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.

### **Section 3-10 Same; Appeal to Board**

Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order, a majority vote of those present being necessary to over-rule the Chairman.

### **Section 3-11 Motion to Adjourn**

At a meeting of the Board, a motion to adjourn shall be always in order and shall be decided without debate.

### **Section 3-12 Motions While a Question is Under Debate**

When a question is under debate at a meeting of the Board, no motion shall be received unless it be one to amend, to commit or refer to a committee, to postpone, to close debate, to make a substitute motion, to lay on the table, to recess, or to adjourn. Any motion to close debate shall require approval by a two-thirds vote of those members present.

### **Section 3-13 Reconsideration of Motions, etc., Upon Which Vote Has Been Announced**

At any meeting of the Board, when any vote upon any motion, resolution, ordinance, or question has been announced, it may be reconsidered on the motion of any member who voted with the prevailing side, provided that such motion shall be made at the session of the Board at which it was decided, or at the very next meeting of the Board after notice in advance to the other Board members, County Administrator and County Attorney.

For the purpose of this Section, "session" shall include any adjourned or special meeting occurring prior to the next Regular Meeting. This section shall have no application to a motion to rescind a previous action taken.

### **Section 3-14 Suspending Rules**

The rules of the Board may be suspended with the unanimous concurrence of the members present.

### **Section 3-15 Robert's Rules of Order**

The proceedings of the Board, except as otherwise provided in these rules and by applicable State law, shall be governed by the Robert's Rules of Order applicable to small bodies such as the Board of Supervisors, or by standard practices typically followed by the Board of Supervisors.

### **Section 3-16 Confidential and Privileged Information**

Documents, information and discussions from a closed session, attorney-client privileged communication and other confidential information shall not be disclosed without the approval of the Board. In the event confidential or privileged information is released or otherwise disclosed, without the consent of the Board, then the Board shall vote to either to authorize the disclosure or reaffirm the confidentiality and/or claim of privilege. In addition, the Board may, in its discretion, sanction or censure a member for improper disclosure of confidential or privileged information.



## **SECTION 4 - PUBLIC HEARINGS**

### **Section 4-1 Speakers**

At every public hearing, speakers wishing to address the Board shall clearly state their name and address. All speakers, except as hereinafter provided, shall limit their remarks to three (3) minutes and all remarks shall pertain to the matter under consideration. Speakers may not yield any unused portion of their speaking time to others. Speakers representing organizations and groups shall have one opportunity of five (5) minutes to speak. Staff presentations should be concise and normally limited to no more than ten (10) minutes except when necessary to properly inform the public of the issue before the Board. The applicant in a land use case or his/her representative(s) shall be allowed a maximum of ten (10) minutes to present their case. Each speaker shall be limited to one appearance at each public hearing, except at the discretion of the Chair, and only after all other speakers have been given an opportunity to be heard on the subject being considered.

Speakers may be asked to register with the Clerk prior to the start of the hearing, if the Chair feels it is necessary, on forms provided for citizen participation, and the Chair shall verify that all such registration has been completed before beginning the hearing.

The order of business for public hearings shall be:

- staff presentation
- applicant's presentation (if any, in land use matters)
- public comments

Board members may ask questions of speakers or staff for clarification.

Copies of written or printed materials submitted to the Board shall also be submitted to the Clerk for entry into the public record.

### **Section 4-2 Members' Participation**

Board members shall limit their comments in public hearings to insure participation by the public without Board interference.

### **Section 4-3 Close of Hearing**

When a public hearing shall have been closed by the order of the Chairman of the Board, no further public comments are in order.

## **SECTION 5 - GENERAL CONDUCT AND DECORUM**

### **Section 5-1 Conduct of the Public**

The efficient and dignified conduct of public business is the ultimate concern of the Board. Accordingly, it is the policy of the Board that its meetings be conducted with the highest degree of order and decorum. The Board's integrity and dignity will be established and maintained at all times during the conduct of public business, and the Board will permit no behavior which is not in keeping with this policy. The soliciting of funds from meeting attendees, the use of threatening or profane language, the failure to comply with time limits on speakers, violation of Board rules, or other forms of disruptive conduct will not be tolerated. The Chairman will maintain proper order at all times during all meetings of the Board and shall effect the removal from any meeting of any person guilty of improper conduct if the offending party fails or refuses to cease such conduct.

### **Section 5-2 Conduct of the Board**

Supervisors are expected to conduct themselves in a professional and proper manner at all times. Supervisors are representatives of the citizens of King William County and may not bring discredit upon themselves, other Board members, their constituents, or their County at any time. Any board member who by his/her actions, statements, or behavior that brings discredit upon other board members, the County or the citizens may be punished by one or more of the following as determined by the chairman:

- Reprimand either verbally or in written form
- Censure
- Fine by loss of stipend(s)
- Removal from an assigned committee

All disciplinary actions must be reviewed and approved by a majority of the Board and will include legal guidance from the County Attorney and possibly the Commonwealth's Attorney as required.

#### Interactions w/Staff:

- (1) No one member of the Board of Supervisors shall direct the County Administrator or any staff member to take any action on behalf of the Board without a majority consensus of the Board.
- (2) No Board 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 County Administrator and Board chair (at a minimum).

Board Agendas:

- (1) When possible, any additions to the agenda should be requested through the County Administrator and Board Chair seven (7) days prior to the meeting.
- (2) Not less than 24 hours in advance of the meeting, Board members should review the draft minutes and offer any comments, corrections, additions via email to the County Administrator and Board Chair.
- (3) Revisions to the agenda can be offered any time prior to start of the meeting.

Conferences and Conventions:

- (1) Any funds designated for Board member attendance will be allocated to each member on a pro rata basis. Each member shall make the sole determination as to which County related conference they will attend.
- (2) Any Board member who consented to attend a conference shall be responsible to take reasonable and timely action to cancel any required registration fees or hotel deposit. If the member does not take such action, they shall reimburse to the County a sum equal to the non-refundable fee/deposit.

Adherence to Confidentiality & Public Information Requirements:

- (1) No Board member shall disclose privileged information to any individual, organization, corporation, or the like.
- (2) Any Board member responding to a citizen's request for public information (*i.e.* FOIA) should also copy the County Administrator and all other Board members on the response.

**Section 5-3 Appointments**

The Board of Supervisors encourages citizens to apply for and to serve on boards, commissions, committees, and other like bodies. To this end, the Board shall cause notice to be placed on its website and such other notice as it may from time to time deem appropriate and necessary, identifying positions which it intends to fill. Said notice should be placed at least 30 days prior to the meeting at which the appointment is to be made.

The Board of Supervisors will maintain a standard application for all positions. Such applications will be kept on file for a period of two years and may be considered from time to time by the Board as it desires. Prior to making an appointment, the Board may choose to interview one or more candidates.

Where statutes dictate a process other than this, the Board will follow the statutory procedure.

## **SECTION 6 - ADOPTION AND AMENDMENT OF BY-LAWS**

### **Section 6-1 Adoption**

These by-laws shall be adopted annually immediately after election of Board officers at the annual meeting. Upon adoption, the provisions of these by-laws shall take effect immediately and shall continue until amended or re-adopted. The full text of these by-laws shall be made part of the minutes of the meeting at which they were adopted. The Clerk of the Board or designee shall provide a copy of these by-laws and any amendment thereto to all Board members within thirty (30) days of adoption.

### **Section 6-2 Amendment**

Amendment of these by-laws may be made as an item of new business on the meeting agenda or amendment thereof at any meeting of the Board. Amendment to these by-laws shall be by vote of a majority of Board members. Unless otherwise specified, any amendment is effective upon adoption; no amendment shall be made retroactively effective. The full text of an amendment shall be made part of the minutes of the meeting at which they were adopted.

### **Section 6-3 Savings Clause**

If any provision of these by-laws be found inconsistent with the provisions of the Virginia law, the County Code, or any other law or statute, it shall be deemed void. In this event, all remaining provisions of these by-laws shall remain in effect.

### **Section 6-4 Interpretation and Nature of Bylaws and Rules of Procedure**

These Bylaws and 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. Only members of the Board or the Parliamentarian have standing to raise a point of order or to challenge a ruling of the Chairman 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 as provided above. In no event may questions over compliance herewith be raised judicially. Non-compliance with these Bylaws and 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 Bylaws and 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. Failure to comply with these Bylaws and Rules of

Procedure or Robert's Rules of Order shall not invalidate Board action otherwise valid at law.