

**ACCOMACK COUNTY BOARD OF SUPERVISORS**

**RULES OF PROCEDURES**

**Article I. PURPOSE AND BASIC PRINCIPLES**

***Section 1.01 Purpose***

- (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.**

***Section 1.02 Basic Principles***

- (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 Accomack County Board of Supervisors; and**
- (f) Discussion by members should be directed at the issue before the Board, and not at other members.**
- (g) Members shall address the chair when speaking to an issue, avoiding conversations between members.**

***Section 1.03 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 County Attorney 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) Violations of these Rules of Procedure must be raised prior to a vote on the matter under discussion. 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 a violation is waived. In no event will a violation hereof result in the voiding or overturning of any action of the Board.

**Section 1.04      *Interaction Between Board and Staff***

- (a) Criticism of any staff member shall be directed to the County Administrator. Under no condition shall criticism of the work or personality of any staff member be voiced in public meeting. If there is a problem and satisfaction cannot be obtained through the County Administrator, the concerned Board member may request that the issue be docketed for discussion at a closed meeting.
- (b) Requests by Board members for assistance by administrative staff members, including department heads, in major projects requiring substantial amounts of time shall be directed to the County Administrator. Such requests may include, but are not limited to, requests for research, the compilation of information, the preparation of ordinances, resolutions or policies to be presented to the Board of Supervisors, attendance or presentations at meetings other than Board meetings, preparation of documents, etc. It shall be the responsibility of the County Administrator to assure that the project is referred to the appropriate department or departments, that the project is consistent with the administrative staff's work priorities and schedules, and that work approved by the County Administrator is performed in an adequate and timely manner.
- (c) Requests for assistance in legal matters shall be directed to the County Attorney.
- (d) If the County Administrator or the County Attorney feels that a request for assistance from an individual Board member cannot reasonably be accommodated with the existing work load and priorities, the individual Board member shall be so advised, and, if necessary, the matter shall be placed on the next available Board agenda for further guidance.
- (e) Inquiries and requests for information, referral of citizen complaints and concerns, requests for assistance in interactions with citizens, etc., may be directed by

individual Board members to the appropriate department head without going through the County Administrator.

- (f) Requests for information or inquiries as to matters pertaining to the Accomack County School Division should be directed by Board members to his or her district representative on the School Board or to the School Superintendent, who shall be responsible for obtaining the requested information and referring it back to the member of the Board of Supervisors.

## **Article II. Officers**

### **Section 2.01        *Duties of Chair, Vice-Chair***

- (a) The Chair shall preside over all meetings of the Board of Supervisors. The Chair shall preserve proper decorum as required in Robert's Rules of Order, Newly Revised under the section headed Decorum in Debate (p. 386). Should the Chair fail to do so it becomes the responsibility of individual Board members to raise a point of order as provided in Robert's Rules Chapter VIII, S 23. (P.247)
- (b) The Vice Chair shall serve as Chair when the Chair is unavailable for any reason.
- (c) The Clerk of the Board shall be the County Administrator.

### **Section 2.02        *Procedure for Election of Officers***

- (a) The County Administrator shall serve as presiding officer during the election of the Chair of the Board. Following the election of Chair, he/she will assume the chair and conduct the election of the Vice Chair.
- (b) The following procedures shall be followed to elect the Chair and Vice-Chair:
  - (i) The presiding officer shall call for nominations from the membership.
  - (ii) Any member, after being recognized by the presiding officer, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominees.
  - (iii) At the close of nominations, the presiding officer shall offer those persons nominated the opportunity to explain, in no more than five minutes, their qualifications for the office to which they are nominated.
  - (iv) When all nominations have been made, the presiding officer shall close the nominating process and call for the vote.

(v) The presiding officer shall call the name of each nominee in the order nominated and tally the respective votes.

(vi) Each member may cast one vote for any one nominee.

(vii) A majority of those voting shall be required to elect the officer.

**Section 2.03** *Term of Office*

(a) Officers shall serve until replaced or the expiration of their terms.

(b) Terms of office shall be for one year.

**Section 2.04** *Clerk; Duties*

(a) The Clerk's duties and responsibilities shall be as set out in Sections 15.2-1538 and 15.2-1539 of the Code of Virginia (1950), as amended.

**Section 2.05** *County Administrator; Duties*

(a) The County Administrator and the County Attorney report directly to and are supervised by the Board of Supervisors. The Board of Supervisors is responsible for making all decisions pertaining to the hiring, supervision, evaluation, and termination of the County Administrator and the County Attorney.

(b) All other employees in the County administration report to and are supervised by the County Administrator and the department heads. The legal secretary shall be under the supervision of the County Attorney.

(c) Except for the purpose of inquiry and referrals (as outlined above), Board members shall deal with County officers and employees who are subject to the direction and supervision of the County Administrator, solely through the County Administrator, and neither the Board nor any member thereof shall give orders or direction, either publicly or privately, to any such County officer or employee. The County Administrator shall report to the Board of Supervisors in Executive Session any violation of the Rules by a member of the Board.

(d) The County Administrator shall cause to be published the Action Agenda of items acted upon seven (7) days following the Board of Supervisors' meeting.

**Section 2.06** *Vacancies*

(a) When a vacancy on the Board occurs, the remaining members of the Board, within forty-five days of the office becoming vacant, may appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy.

**Article III. Meetings**

**Section 3.01** *Annual Organizational Meeting*

(a) The Annual Organizational 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 Organizational Meeting shall be held the first *Wednesday* following New Year's Day in the Board of Supervisors Chambers at 5:00 p.m.

(b) The first order of business shall be the election of Board officers, as outlined above.

(c) Following the election of Board Officers, the Board shall:

- (d) Establish dates, times and places for the regular meetings;
- (e) Adopt its Rules of Procedure;

**Section 3.02            Regular Meetings**

- (a) The time and place of regular meetings of the Accomack County Board of Supervisors shall be established at the Board's annual organizational meeting. Regular Board meetings shall be held in the Board of Supervisor's meeting room located at the County Administration Building in Accomack, Virginia on the ~~(3rd)~~ Wednesday of the month, beginning at 5:00 p.m. A recess for dinner will be held from 7:00 p.m. to 7:30 p.m. Public Hearings will begin at 7:30 p.m. Closed meeting, if needed, will be held at the end of each meeting.
- (b) 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.

**Section 3.03            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. Members may call a special meeting of the Board in such a manner as prescribed by 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.

**Section 3.04            Work Meetings; Strategic Planning**

- (a) The first meetings of the month shall also serve as the Board's Strategic Plan meetings in the months of March, June, September, and December of each year.

**Section 3.05            Quorum**

- (a) At any meeting, a majority of the Supervisors shall constitute a quorum.

**Section 3.06            Method of Voting**

- (a) Except as provided under Article VI, "Order of Business and Motions," later in these rules, all questions submitted to the Board for decision shall be by show of hands. However, if there is one (1) "no" vote or one (1) abstention, the Chair will recite who votes for and who votes against.
- (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) (pertaining to appointed Tie-Breakers), as amended.
- (d) All adopted motions of the Board of Supervisors shall be construed as resolutions of the Board. The name of each Board member voting on the motion shall be recorded in the official minutes along with how the member voted.

**Article IV. Committees**

**Section 4.01 Appointments**

- (a) Accomack County Board members serving on committees should be appointed at the Annual Meeting or thereafter, as soon as practicable. Vacancies shall be filled as they occur.
- (b) Appointments made by Board members shall likewise be appointed at the Annual Meeting or thereafter, as soon as practicable.

**Section 4.02 Citizen Information**

- (a) When citizens are recommended to serve on policy or administrative boards, their nominations shall be accompanied by a résumé of experience and/or qualifications for the prospective appointee. These boards are the Community Services Board, Library Board, Planning Commission, and Social Services Board.
- (b) Citizen appointments to non-policy or administrative boards shall be initiated as above and shall be accompanied by an abbreviated résumé that includes name, address, phone number and an abbreviated statement of qualifications and/or interest in the appointment.

**Section 4.03 Guidelines for Attendance of Board Members at Citizen-initiated Informal Meetings**

- (a) It is the policy of the Commonwealth of Virginia to balance the right of citizens to witness the operations of government with the right of free discussion between citizens and their elected officials. The Virginia Supreme Court has determined that whether a gathering is a “meeting” is a factual question to be determined on a case-by-case basis. It is also important to avoid the appearance of an illegal meeting. Therefore, if members are invited to informal meetings initiated by citizens, particularly about topics which may appear on the Board’s agenda or arise in the conduct of the county’s business, it is recommended:
- (b) Whenever possible, Board members will inform the County Administrator’s office of their planned attendance at meetings.
- (c) When three or more Board members attend a citizen-initiated informal meeting, Board members will refrain from sitting together or interacting as a group.

**Article V. Agenda**

**Section 5.01 Preparation**

- (a) The Clerk shall prepare the preliminary agenda for the Board Chair’s approval for each regular meeting conforming with the order of business approved by the Board. Except as permitted at the discretion of the County Administrator, every item to be placed on the agenda shall be received in the Office of the County Administrator *seven (7) working days* before the close of the work day on the last Friday prior to the date for agenda preparation of any regular meeting of the Board.
- (b) It is recognized that from time to time matters shall arise after the normal cut-off for items to be placed on the agenda. No matters may be added to the preliminary agenda after release of same to the Board members and public, unless the Board approves such addition(s) to the agenda by 2/3 vote of the Board present at such meeting.

**Section 5.02 Delivery of Agenda; Public Availability**

- (a) The preliminary agenda and related materials for regular Board meetings shall be transmitted to each member of the Board at least by the close of County business on *Friday*

before the meeting the following week, unless a later time is approved by a majority of the Board.

- (b) The preliminary agenda and related material shall be made available to the public within the County Administrative offices immediately following dissemination to the Board.

**Section 5.03          Copies**

- (a) The Clerk of the Board shall prepare or cause to be prepared extra copies of the preliminary agenda and accompanying documents, 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.

**Section 5.04          Adoption of Agenda**

- (b) The preliminary agenda shall be finalized by the Board at each meeting of the Board. *The Board may* add or delete items from the agenda, by a 2/3 vote of the Board present or proceed with the agenda without alteration.

**Article VI.    Order of Business and Motions**

**Section 6.01 – *The normal order of business at the regular monthly Board of Supervisor meetings shall be:***

- (a) Welcome:
- (b) Call to order
- (c) Invocation
- (d) Pledge of Allegiance
- (e) Chair’s Comments
- (f) Adoption of Agenda
- (g) Public Comment
- (h) Consideration of Minutes
- (i) Public Appearances
- (j) Old Business
- (k) Public Hearings
- (l) New Business
- (m) Board of Supervisors Comment Period
- n) Budget and Appropriation Items
- o) Payables
- (p) Adjourn

**Section 6.02**      *Consent Agenda*

**Section 6.** Consent Agenda

- (a) The Consent Agenda shall consist of a listing of various items to be considered by the Board as a block or one single item and to be approved by one vote rather than specific votes on each item.
- (b) Characteristics of items placed on the Consent Agenda are:
  - (i) Routine items that appear monthly such as departmental reports, requests for refunds, resolutions and motions authorizing the submission of applications for grants that require no local match, or grants for which the Board has previously approved the local match, requests for supplemental appropriations that meet the Board's policy;
  - (ii) Requests to advertise public hearings, advertising for bids and proposals, resolutions of appreciation, proclamations and resolutions of respect and accommodation;
  - (iii) Items of a non-controversial nature that could be classified as housekeeping items of a technical, non-policy nature, end of year department transfers, resolutions dealing with the acceptance of grants from the State of Federal governments requiring no local match or grants for which the Board has previously approved the local match, and items that have received prior unanimous approval of the Board.
- (c) There shall be no debate or discussion by any member of the Board or the public regarding any item on the Consent Agenda, beyond asking questions for simple clarification.
- (d) Any member may request the by-right removal of a Consent Agenda item for separate discussion.
- (e) Approval of the motion to approve the Consent Agenda shall constitute approval, adoption, or enactment of each motion, resolution ordinance, or other item of business thereon, exactly as if each had been acted upon individually.

**Section 6.03**      *Employee Recognition*

- (a) This time is allowed for recognition of employee accomplishments.

**Section 6.04**      *Resolutions*

- (a) Board resolutions of honor, appreciation, or recognition are adopted at this section of agenda.

**Section 6.05**      *Report of Public Officials*

- (a) Constitutional officers, the Division School Superintendent, the County Administrator and other public officials may present items of interest or information to the Board at this time.

**Section 6.06**      *Public Comment*

- (a) The board shall set aside a citizens' comment period. During the citizens' comment period, speakers wishing to address the Board must abide by the rules of conduct outlined herein and shall clearly state their name and address and shall be subject to such time limitations as the Chairman and these rules may impose. The following rules shall apply:
  - (i) Public comments shall not address matters on the public hearing calendar for the day.



- (ii) No individual citizen shall be permitted to address the Board for more than four (4) minutes.
- (iii) The chairman shall allocate the time among the speakers in an equitable manner.
- (iv) Individuals who have previously spoken on a subject at a public hearing shall not be allowed to readdress the Board during the citizens comment period.
- (v) Specific questions should be resolved prior to the meeting by contacting a Board member or the appropriate staff member.
- (vi) Anyone who would like to present a PowerPoint presentation for a public meeting has to present the presentation 24 hours in advance for review by staff for appropriateness.
- (vii) Questions shall be directed to the Chairman, who will, at his/her discretion, solicit the response from the appropriate person.

**Section 6.07**                      *Public Hearings/Public Appearances*

- (a) Public Hearings/Public Appearances shall serve as time for individuals to come before the Board and be heard on matters scheduled for public hearing by notice in the newspaper or otherwise. All persons at such hearings shall conduct themselves as prescribed in these rules and as the Chair may direct for the orderly conduct of such hearings.

**Section 6.08**                      *Old Business*

- (a) Old business shall be taken up prior to the start of new business and shall include carryover or other items of business which have not be finalized and need additional attention of the Board.

**Section 6.9**                        *New Business*

- (a) New business shall be brought up following the finalization of old business and may be carried over from time to time, as is necessary and expedient.

**Section 6.10**                    *Board of Supervisors Comment Period (Total Limit of 30 Minutes)*

- (a) This time is generally used for individual Board members to share information with other members of the Board and public. Items presented under this heading requiring action will be for a future meeting agenda or to request additional information from staff members. No item presented under this heading shall be acted upon at the meeting. Prior to the agenda being prepared, members of the Board are encouraged to contact the County Administrator and have an item included under this heading. The County Administrator shall prepare a memorandum that will inform other members of the Board of the particulars pertaining to this matter.

**Section 6.11**                    *Budget and Appropriation Items*

- (a) Items requiring adjustments to the budget or requiring appropriation by the Board are gathered and placed on the agenda at this point.

**Section 6.12**                    *Payables*

- (a) Payables are presented to the Board for consideration following Certification by the County Administrator that these bills are appropriately before the Board for its consideration.

**Article VII. Conduct of Business**

**Section 7.01** *On any matter before the board, including public hearings, the following rules for the conduct of business shall apply:*

- (a) Staff presentation or briefing;
- (b) Questions from Board members;
- (c) Applicant's presentation (if applicable, for land use matters);
- (d) Comments, statements or presentations from members of the public (if applicable, for public hearings); and
- (e) Board discussion, at which time the Chairman may entertain a motion as the matter currently before the Board.
- (f) Staff presentation will be brief, concise summaries for the public's information and understanding. When written information has been provided prior to the hearing only summary and/or new information should be presented.
- (g) On land use matters a reasonable and sufficient time will be afforded the applicant to properly and fairly present the subject matter. Ten minutes shall be allocated to the applicant's presentation. The applicant may allocate the time between presentation and rebuttal. If additional time is believed to be necessary, the applicant should contact the County Administrator prior to the Public Hearing. Any Member of the Board may ask the applicant to respond to specific questions.
- (h) Order of speakers will be determined on first to register, first to speak basis.
- (i) Registration will be taken by County staff and will be submitted on the registration form provided, which will include the name, address and election district of the speaker.
- (j) Speakers will be limited to a presentation of their points of view except that the Chairman may entertain questions of clarification.
- (k) Debate is prohibited.
- (l) All comments will be directed to the Board of Supervisors as a body.
- (m) The Board shall have the discretion to act on a matter appearing on a public hearing; or the Board, by majority vote, may defer the matter to the next regular meeting of the Board. It shall be the policy of the Board to leave the record open to receive written comments following a public hearing up until the time that a vote is taken.

**Section 7.02** *The Following shall be the Rules for 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) 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.
- (b) No member should speak more than twice to the same motion, except in response to questions directed to them and allowed by the Chair.
- (c) No member should speak for the second time on a motion until every member desiring to speak has spoken.

- (d) When a vote upon any motion has been announced, it may be reconsidered 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.
- (e) 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.
- (f) All motions to adopt any ordinance shall be by a show of hands and the clerk shall ensure that the minutes shall reflect the names of the persons voting and how they voted in the permanent record.
- (g) 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.
- (h) 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.
- (i) A tie vote defeats the question being voted upon.

**Article VIII. Public Hearings**

**Section 8.01 Public Hearings**

- (a) A sign up sheet is to be provided outside the Board chambers for those wishing to address the Board in the public participation section of the agenda. Each speaker addressing the Board shall step up to the microphone in front of the podium, shall give his name and address in an audible tone of voice for the record. All remarks shall be verbal and addressed to the Board and not to any member thereof.
- (b) Decorum will be maintained. This includes a common courtesy from the audience, the staff, and Board to the speaker and from the speaker to the audience, the Board and the staff. Statements, which are demeaning or inappropriate, shall be ruled out of order.
- (c) In the event of a large number of speakers resulting in the continuation of the hearing, any persons not heard at the initial Public Hearing will be the first to speak at the continued hearing.
- (d) A timer-controlled system will be implemented in full view of the speaker. When the speaker's time is up, an audible signal will indicate that the speaker's time has lapsed. The speaker must relinquish the podium to the next speaker. Staff will notify the Chairman that the speaker's time has expired. Speakers continuing after the time allotted shall be ruled out of order by the chairman.
- (e) Speakers are requested to leave written statements and/or comments with the County Administrator.
- (f) All persons wishing to speak should sign the register.
- (g) Persons addressing the Board should stand behind the lectern.
- (h) Persons addressing the Board shall be limited to four (4) minutes.
- (i) Persons addressing the Board shall not use inappropriate language or verbally attack any Board member or any member of the public.

- (j) Signs and placards are not allowed inside the meeting room.
- (k) Any person whose behavior is disruptive shall be asked to leave the meeting room.
- (l) Persons may not question individual supervisors or staff members without unanimous consent of the Board.
- (m) Persons addressing the Board shall limit their comments to the issue of the Public Hearing.
- (n) A speaker may reserve their time, but shall not delegate their time to another speaker.
- (o) Attorneys representing clients will be limited to four (4) minutes.

The Chair has the right and duty to maintain proper order in accordance with these rules.

#### Article IX. Amendments

##### Section 9.01 Suspending the Rules

- (a) Except for rules herein governed by State law, these rules or some of them, may be temporarily suspended in their effect by a two-thirds (2/3) majority vote of the sitting body, where a lawful quorum is in place.

##### Section 9.02 Amendments

- (a) These rules may be amended at any regular meeting of the Board by a two-thirds vote, provided the amendment has been submitted in writing at the previous session.

#### Article X. Parliamentary Authority

***Section 10.01*** *There shall be a person named as Parliamentarian to the Board, who shall sit near the Board during Board meetings and serve as a reference in case of matters arising which pertain to these rules or Robert's Rules of Order, 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 Parliamentarian is unavailable, the County Administrator shall serve as Parliamentarian.*

***Section 10.02*** *The Board shall follow Robert's Rules of Order, newly revised.*