

BYLAWS
BOARD OF SUPERVISORS
OF
BOTETOURT COUNTY
(Amended March 24, 2020)

I. CHAIRMAN

The Chairman of the Board of Supervisors shall preside at all meetings of the Board. In the event of the absence or disability of the Chairman, the Vice-Chairman shall preside. In the event of the absence or disability of both the Chairman and Vice-Chairman, the remaining members of the Board shall elect by a majority vote a temporary Chairman who shall preside at the meeting for which he is elected.

II. CLERK

The County Administrator shall serve as Clerk of the Board of Supervisors. The books and records of the Board shall be deposited with the Clerk and shall be open, without any charge, to the examination of all persons. Minutes of the Board of Supervisors' meetings shall be posted electronically to the County's website as soon as possible after Board approval. The general duties of the Clerk shall be as prescribed by Section 15.2-1539 of the Code of Virginia, which is incorporated herein by reference.

III. QUORUM

A majority of the members of the Board of Supervisors shall constitute a quorum of the Board. Except when otherwise required by statute, or by the bylaws, the vote of a majority of those present shall prevail upon any question.

IV. AGENDA

The Clerk shall prepare and make available to each member of the Board a detailed agenda at least one (1) day prior to each regular meeting of the Board. The agenda may be departed from with the consent of the Chairman or by a majority vote of the Supervisors present.

It shall be the responsibility of each Board member to notify the Clerk of any matter which such member wishes included on the agenda. Any matter not disposed of at a meeting shall be included on the agenda of the next regular meeting.

For any special meeting, the business to be discussed shall be stated in the call for such meeting. No other business shall be discussed or acted upon over the objection of any member present.

There shall be a "Citizens Time" for the general public to be able to address the Board of Supervisors on the regular meeting agenda on any County topic under the following conditions:

A. These persons shall limit their presentations to three (3) minutes, unless the Board extends such time to individual persons.

B. Recognition shall be given only by the presiding officer. No person shall address the Board without having first been recognized. When all public presentation has concluded, and the Board is considering and discussing the matter, no person shall thereafter be recognized to address the Board.

C. Cumulative or repetitive testimony shall not be permitted on any matter, and persons of the same position as a previous speaker shall state their names and the position with which they agree.

D. Questions by Board members shall be reserved insofar as possible for the end of a presentation to avoid interrupting the speaker, disrupting the timekeeping process, and duplicating ground the speaker may cover.

E. The Board may respond to comments or may not respond to comments and presentations by the public during “Citizens Time.”

There shall be a “Board Member Comment Time” for the Board members to be able to discuss any topic under the following conditions:

A. Recognition shall be given by the presiding officer. No member shall address the Board without having first been recognized.

B. Members may respond to comments or may not respond to comments and presentations by other members during “Board Member Comment Time.”

V. HEARINGS

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 of payment of bills.

Agenda items and discussion topics will generally be presented by staff. For matters in which a third party is requesting an action by the Board, the applicant shall normally be granted fifteen (15) minutes to present their request, which will be followed by hearing comments from interested persons.

Generally, at a hearing, no person shall be allowed to speak more than three (3) minutes nor more than once upon any particular question. Cumulative or repetitive testimony shall not be permitted on any matter, and persons of the same position as a previous speaker shall state their names and the position with which they agree.

The Chairman, may in his discretion, deviate from this rule. When all public testimony has concluded, the Board shall consider and discuss the matter without interruption from the audience.

VI. RULES OF ORDER

The deliberations of the Board of Supervisors, unless otherwise provided by statute or these bylaws, shall be governed by “A Handbook of Parliamentary Procedure” (Publication 305-772, Virginia Cooperative Extension Service), with the exception that the Chairman may make a motion and will vote on any issue. If the foregoing is inapplicable, then Robert’s Rules of Order shall govern.

Appeal may be taken by any member from a ruling of the Chair. A majority vote of those members present shall determine any appeal. Any motion to close debate shall require approval by two-thirds (2/3) vote of those members present.

VII. REGULAR MEETINGS

The regular meeting of the Board of Supervisors shall be held on the fourth Tuesday of each month, beginning at 12:30 P. M., for the Closed Session and continue or re-convene at 2:00 P. M., for the public meeting at the Greenfield Education and Training Center in Daleville, Virginia, provided, that when the fourth Tuesday of any month falls upon a legal holiday such regular meeting in such month shall be held on the next following business day; and provided further, that the Board of Supervisors may, by resolution at any meeting, provide that the next following regular meeting shall be held at a different time or place, and it shall then be the duty of the County Administrator to give timely notice thereof to all members of the Board and to inform the news media.

If the Chairman, or the Vice-Chairman if the Chairman is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for the board members to attend a regular meeting, the regular meeting shall be continued until the next business day. Such conditions shall be communicated to the members of the Board and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

VIII. SPECIAL MEETINGS

A special meeting of the Board shall be held when requested by the Chairman or two or more Supervisors. Upon receipt of such request, the Clerk shall immediately notify each member of the Board, County Attorney, and the media in writing. Such notice shall specify the matters to be considered at the meeting. Such notice shall be sent in writing delivered in person or to his place of residence or business in accordance with Section 15.2-1418 of the Code of Virginia.

IX. PARTICIPATION IN MEETINGS THROUGH ELECTRONIC COMMUNICATION

Any Board member who is unable to attend a regular or special meeting in person due to (i) an emergency or a personal matter, or (ii) a temporary or permanent disability or other medical condition, may participate in the meeting through electronic communication from a remote location that may not be open to the public, subject to the following:

A. A quorum of the Board is physically assembled at the central meeting location.

B. The member notifies the chairperson on or before the day of the meeting that he or she is unable to attend (i) due to an emergency or personal matter identified with specificity, or (ii) due to a temporary or permanent disability or other medical condition that prevents the

member's physical appearance. A member may participate in a remote meeting due to an emergency or personal matter at no more than two (2) meetings in each calendar year.

C. The Board records in its minutes the (i) specific nature of the emergency or personal matter or the fact of the disability or medical condition, and (ii) the remote location from which the member is participating.

D. The Board arranges for the voice of the absent member to be heard by all persons in attendance at the central meeting location.

The Board by motion shall vote to approve or disapprove the member's electronic participation. If the absent member's remote participation is disapproved because such participation would violate this Section, such disapproval shall be recorded in the Board's minutes.

X. AMENDMENTS

These bylaws may be amended by a majority vote of the Board at any time.