

**PULASKI COUNTY
BOARD OF SUPERVISORS
2018 RULES OF PROCEDURE**

Be it resolved the Pulaski County Board of Supervisors does hereby accept and adopt these Rules of Procedure in order to better facilitate its powers and duties in accordance with the provisions of Title 15.2, Code of Virginia of 1950, as amended.

ARTICLE I - TITLE

1.1 The official title of this board shall be the Pulaski County Board of Supervisors.

ARTICLE II - MEMBERS

2.1 The Pulaski County Board of Supervisors shall consist of five (5) members, one elected from each of the five (5) magisterial districts. The terms of office for all Supervisors shall be four (4) years.

ARTICLE III – OFFICERS AND MEMBERS

3.1 Chair and Vice Chair. A Chair and a Vice Chair of the Board shall be elected from its members at the first meeting of each calendar year. The Chair shall preside over all meetings and the Vice Chair shall preside in the absence of the Chair.

3.2 Term of Office. The Chair and Vice Chair shall be elected for a one-year term. Either, or both, may be re-elected for one or more additional one-year terms.

3.3 Clerk and Deputy Clerk. The Board shall appoint the Clerk of the Governing Body at the first meeting of each calendar year. His/her duties shall be those set forth in the Code of Virginia, 1950 as amended, and by resolution of the Board as adopted from time to time. The Deputy Clerk shall serve the governing body in the absence of the Clerk and shall be appointed by the Board at the first meeting of each calendar year.

3.4 Parliamentarian. The Board shall appoint the Parliamentarian of the Governing Body at the first meeting of each calendar year. His/her duties shall be to assist and advise the Board on matters involving parliamentary procedure, By-laws and Rules of Procedure and shall preside over the meeting in the event there is an absence of both the Chair and Vice Chair. The Parliamentarian shall be appointed by the Board at the first meeting of each calendar year.

3.5 Code of Conduct and Code of Ethics. Each member of the Board, the Clerk, Deputy Clerk, County Administrator, County Attorney, Parliamentarian and any Assistant County Administrators shall sign and date with each adoption of these Rules of Procedures, a Code

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of Conduct and Code of Ethics. Furthermore, these positions, from time to time, may be privileged to information that is confidential and not subject to the provisions of FOIA, said information shall be kept in the strictest of confidence and shall not be shared with any other person, party or organization. Any knowing violation of these Codes or confidentiality may result in an annulment to an office, board, authority, commission and/or committee if deemed appropriate by a majority vote of the Board and may further result in the separation of service if deemed appropriate by the Board and/or through appropriate administrative action. (*The term 'office' is not intended to convey the Board Member's elected office)

ARTICLE IV - MEETINGS

- 4.1 Annual Organizational Meeting. The first meeting held after the newly elected members of the Board has qualified, and the first meeting held of each succeeding year shall be known as the Annual Organizational Meeting. At said annual meeting, the Board shall establish the days, times, and places for the regular meetings of the Board for the ensuing twelve months and the times and places for Public Hearings.
- 4.2 Regular Meetings. The Board will meet in regular session on the fourth Monday of each month. If the regular meeting of the Board is unable to occur because of inclement weather conditions or other extenuating circumstances which make it hazardous for members to attend, the Board will meet in regular session on the Thursday following the fourth Monday to conduct its business, including public hearings, without further advertisement. The Board may subsequently establish different days, times, or places for such regular meetings by passing a resolution to that effect. However, when the day established as a regular meeting day falls on a legal holiday, the meeting shall be held on the third Monday of the month (May and December), without action of any kind by the Board.
- 4.3 Special Meetings. A special meeting of the Board shall be called either by the Chair or at the request of two or more members pursuant to the Code of Virginia 1950, as amended. Upon receipt of the request, the Clerk shall immediately notify each member of the Board, the County Administrator and the County Attorney to attend the special meeting at the given time and place and for the given purpose. Such notice shall be given at least three (3) days before the date of the special meeting. No matters other than those specified in the notice shall be considered at such meetings unless all members are present and agree to such action by unanimous vote.
- 4.4 Emergency Meetings. The Chairman, the County Administrator or a majority of the Board may call an emergency meeting pursuant to invoking a declaration of emergency or in response to a declared federal, state or local emergency in which it is deemed to be in the interest of protecting life and property within the County of Pulaski and such notice shall be provided contemporaneously to the public and the media as set forth in the Code of Virginia 1950, as amended.
- 4.5 Notices to Public. The Clerk or his/her designee shall notify the general news media of the

time and place of all meetings, and the matters to be considered.

- 4.6 Public Hearings. Public hearings shall be held at 7:00 p.m. after proper public notice has been given pursuant to the Code of Virginia, 1950, as amended.
- 4.7 Continued Meetings. Any regular or special meeting may be continued by a majority of the members of the Board present to a date and time prior to the next regular meeting.
- 4.8 Place of Meetings. All regular meetings shall be held in the Boardroom of the Pulaski County Administration Building in Pulaski, Virginia, unless a different meeting place has been established and notice posted as required by the Code of Virginia, 1950, as amended.
- 4.9 Open Meetings. All meetings shall be open to the public, provided that the Board may, for purposes provided for in the Virginia Freedom of Information Act, upon motion made, seconded, and duly adopted, meet in closed session. No closed session discussion concerning the adoption of any resolution, ordinance, rule, contract, regulation or motion shall have any legal effect or be binding upon the Board. Any action to adopt any resolution, ordinance, rule, contract, regulation, or motion shall be taken in open session.
- 4.10 Board Members shall make every reasonable effort to attend all meetings as scheduled by the Board for the purpose of efficiently and effectively conducting County business, insuring a quorum and representing the public's interests. Whenever possible, Board Members shall communicate to the Chair, Vice Chair, Clerk and/or Deputy Clerk their inability to attend with as much time as possible to adequately adjust to the absence. A Board Member's frequent or routine inability to attend meetings may result in an annulment to an *office, board, authority, commission and/or committee if deemed appropriate, by a majority vote of the Board. (*The term 'office' is not intended to convey the Board Member's elected office)

ARTICLE V - QUORUM AND ACTIONS

- 5.1 Quorum. A majority of all the members of the Board shall constitute a quorum. A quorum shall not be established with less than three (3) members of the Board.
- 5.2 Required Absence. No action shall be taken by the Board unless there shall be present at least a quorum, provided; however, that the temporary absence from the meeting room of members sufficient to constitute a quorum shall not be deemed to prevent the hearing of presentations or the discussion of matters submitted to the Board. The Clerk shall suggest the absence of quorum prior to the taking of any action by the Board. Failure of the Clerk, or any member of the Board, to suggest the absence of a quorum shall not be deemed to alter the effect of this rule requiring a quorum as a prerequisite to any action.
- 5.3 Remote Participation in Board Meetings. A member of the Board who is greater than a 100 mile radius of the meeting location at the time of a Board meeting may participate in a closed meeting of the Board, and participate in the open portion of the Board meeting to discuss and

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vote upon the motion to convene in closed session and the motion to return to open session and the certification required pursuant to Code of Virginia § 2.2-3712, through electronic communications from a remote location that is not open to the public as provided in Code of Virginia § 2.2-3708.1 subject to the following requirements:

1. A supervisor wishing to participate from a remote location in a meeting of the Board shall notify the Board Chair on or before the date of a meeting that the supervisor is unable to attend the meeting due to a personal matter, identify with specificity the nature of the personal matter and confirm that at the time of the Board meeting the member will physically be located greater than a 100 mile radius of the meeting location. During the public meeting at which remote participation is requested, and prior to remote participation by any Board Member in any open or closed portion of the meeting, the Board Members physically present at the meeting shall vote to approve or disapprove the request to participate remotely.
2. The Board shall record in its minutes the specific nature of the personal matter and the remote location from which the absent supervisor participated. If the absent supervisor's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Board's minutes.
3. Such participation by the absent supervisor shall be limited in each calendar year to two meetings or 25 percent of the meetings of the Board, whichever is fewer.
4. A quorum of the Board must be physically assembled at the primary or central meeting location.
5. The Board shall make arrangements for the voice of the absent supervisor to be heard by all persons in attendance at the primary or central meeting location during the open portion of the Board meeting in which the absent supervisor participates and by those in attendance in the closed portion of the Board meeting in which the absent supervisor participates.
6. Other than as provided by this policy, no Board member shall otherwise participate in a Board meeting by electronic communications from a remote location and, specifically, if participation is allowed by this policy, the Board member's participation in the open portion of the meeting shall be limited to participation in the motion to convene the closed session, the motion to exit from the closed session and the adoption of the certification motion required pursuant to § 2.2-3712 of the Code of Virginia.

5.4 Action of the Board. Action of the Board shall be taken in one of the following ways:

1. Ordinances. Where required by law, action shall be by the adoption of ordinances.

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Ordinances shall be proposed for adoption, notice given, and adoption accomplished as provided for by general law.

2. Resolutions. Where it is not required by law or desired by the Board to act by the adoption of an ordinance, action may be taken by the adoption of a resolution. Resolutions shall be proposed in writing and a copy shall be delivered to the Clerk and all members of the Board prior to the proposing of adoption.
 3. Contracts. In certain instances, action may be required by contract. Contracts shall be proposed in writing; and a copy shall be delivered to the Clerk and all members of the Board prior to the proposing of adoption.
 4. Motions. Where action of the Board is required on a matter simply stated, action may be taken by oral motion.
- 5.5 Voting. Votes shall be taken on all motions made and seconded (*Refer to Section 7.11 for Exceptions*). Votes shall not be tendered nor shall a motion be in order to call the question until every member of the Board has had an opportunity to speak at least once to the underlying motion.
- 5.6 Roll Call Vote. A roll call vote shall be taken at the request of any member when such a request is made prior to the taking up of any other business. A roll call vote shall be taken on the final vote on any ordinance, resolution, or contract.
- 5.7 Restating the Question. The Chair shall restate the question prior to the taking of a vote. The chair may request that another member or the Clerk or Deputy Clerk restate the question if, in his/her opinion, that will expedite the decision thereof.
- 5.8 Unanimous Consent. Where no formal action is required, and no objection is heard, a request of a member shall be deemed a request of the Board without further action, when such request is made at a meeting with a quorum present, and the Chair states that such a request shall be deemed a request of the Board.
- 5.9 Tie Votes. When a tie vote occurs, the question shall be passed by until the next meeting, regular or special, at which time it must be put to a vote again. If the tie remains unbroken, the question is defeated and the Clerk will record it as defeated.
- 5.10 Reconsideration. An action may be reconsidered only upon a motion of a member voting with the prevailing side on the original vote. A motion to reconsider may be made by a member voting on the losing side of the original vote after a 6-month period has elapsed. A motion to reconsider may be seconded by any member. A motion for reconsideration will be acted on only after following notice of not less than required by law.

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- 5.11 Appointments to Boards, Authorities, Commissions and Committees. All appointments to any board, authority, commission or committee shall require a majority vote of the members present constituting a quorum. Any member of the Board may make nomination(s) for the Board's consideration of appointment for any qualified and eligible individual(s) to serve. In instances where an appointment is required to be made from within a defined voting district, it will be the responsibility of the Board member representing that district to identify candidates for nomination to be affirmed through appointment by majority of the Board. If a district specific nomination is not provided by a Board member representing that district or if the nomination(s) fails to achieve affirmation by majority vote, it will then be the responsibility of any member of the Board to offer up a nomination(s) for the Board's consideration. Whenever possible, it shall be the responsibility of a Board member to provide the name(s) of individual(s) they wish for the Board to consider for appointment with as much advance notice of the action as possible, along with any support information that would be of benefit in assisting the Board to consider a candidate(s) for appointment. Appointment recommendations made in advance by Board members shall chronologically be included in the Board's Packets in the order that they are tendered. The Chairman shall take up the appointment recommendations as presented by way of a motion and majority vote to include the recommendations as nominations, as well as take up any additional nominations that may be offered up from the floor.

ARTICLE VI - ORDER OF BUSINESS

- 6.1 Commencement of Meeting. *At 7:00 PM*, Eastern Standard Time, and at the specified hour for adjourned or special meetings, the presiding officer shall call the meeting to order, provide for the invocation and Pledge of Allegiance, and direct the Clerk to note the presence or absence of members. A quorum shall be required to commence the meeting at the appointed hour.
- 6.2 Agenda. The Clerk, along with the Chair and in consultation with the County Administrator, shall prepare an agenda for each meeting. Any member having matters he/she desires to have considered at the next meeting shall submit them to the Clerk for inclusion in the agenda.
- 6.3 Public Comments. There may be agenda items known as Public Comments to allow citizens time to address the Board regarding any matter on the agenda as well as matters that are not agenda items and over which the Board has influence. This period should not be used to request specific Board action at that meeting. The speaker shall state their full name, place of residency and the subject in which they will speak. The speaker shall be subject to a time limitation of three (3) minutes per citizen or five (5) minutes for a group representative. No speaker shall be permitted to yield time to another speaker. Each speaker is allowed only one appearance under the respective agenda item per meeting. There shall be no comment during Public Comment on a matter for which a public hearing is scheduled during the same meeting. Public Comment shall not serve as a forum for debate with the Board. Public

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Comment, as an agenda item, is not a requirement of the Commonwealth and is a privilege granted at the discretion of the Board. Citizens desiring an opportunity to speak during the Public Comment period should register with the Office of the Pulaski County Administrator at least five (5) days prior to the meeting at which they wish to speak to allow for proper inclusion on the Agenda. Registering or signing up to speak does not necessarily guarantee an opportunity to speak.

- 6.4 County Administrator's Report. Insofar as it is possible, the County Administrator Reports shall be scheduled in the period from 7:30 pm to 8:30 pm.
- 6.5 Supervisors' Time. The Chair shall provide in each regular meeting's agenda, a period during which each Board member shall be entitled to time for such purposes as each member may deem appropriate subject to such time limitation as the Chair may impose. Matters not included on the agenda and not disposed of during each members' unrestricted time, shall be taken up only if the presiding officer determines that:
 1. They are emergency in nature; or
 2. They involve persons present who would not be present at a subsequent meeting; or
 3. By the unanimous consent of the members present.
- 6.6 Orders on Agenda. The Chair, in consultation with the Clerk, shall establish the order of the agenda, taking into account the need for staff or other presentations, and probable public interest, in order to maximize convenience to the public and minimize adverse impact on conducting the public's business or the performance of normal staff functions, insofar as it is practicable.
- 6.7 Preparation of Agenda. Except where emergency circumstances require otherwise, every item to be placed on the Agenda shall be received in the Office of the County Administrator by no later than noon on the Thursday prior to any regular meeting of the Board.
- 6.8 Delivery of the Agenda. Each member of the Board, if at all possible, shall receive the Agenda on or before the Friday before any regularly scheduled meeting.
- 6.9 Minutes. The Clerk shall keep the minutes of the meetings of the Board. At the request of any member made at the time of said presentation of discussion, the minutes shall include a summary of the substance of the presentation or debate with the exception of Executive Sessions. A copy of the minutes of the transcribed proceedings shall be kept on file in minute record books in the Circuit Clerk's vault for use by the general public. Citizens may purchase copies.
- 6.10 Approval of Minutes. The Clerk shall promptly transcribe the minutes following completion of the meeting and shall submit copies for distribution with the following month's Meeting

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Agenda, at which their approval will be on such Agenda. Approval of the minutes shall be one of the first items on each Agenda, shortly following the roll call, and may be approved, or corrected and approved without reading.

ARTICLE VII - ORDER IN THE CONDUCT OF BUSINESS

- 7.1 Persons Addressing the Board. These persons shall limit their presentation to the time allotted by the Chair on the agenda, unless the Board by unanimous consent, shall extend such time. The Chair, in fixing such time, shall take into account the complexity of the matter, its importance in relation to other business of the Board, and time available on the meeting date sought. Insofar as it is practicable, persons addressing the Board shall furnish the Clerk and members of the Board with a written copy of their remarks.
- 7.2 Public Hearings. Citizens wishing to provide comment during a scheduled public hearing shall be subject to a time limitation of three minutes or five minutes for a group representative and all other stipulations of Section 6.3 of these Rules. No speaker shall be permitted to yield time to another speaker. Public hearings shall not serve as a forum for debate with the Board. Each speaker shall be allowed only one appearance at each public hearing.
- 7.3 Recognition. Shall be given only by the presiding officer. No person shall address the Board without having first been recognized. When all public testimony has concluded, and the Board is representative and discussing the matter, no person shall thereafter be recognized to address the Board.
- 7.4 Cumulative or Repetitive Testimony. Shall not be permitted on any matter, and persons of the same position, as a previous speaker shall state their name and the position with which they agree.
- 7.5 Questions. By Board members, shall be reserved insofar as possible for the end of a presentation to avoid interrupting the speaker, disrupting the time-keeping process, and duplicating ground the speaker may cover.
- 7.6 Oaths and Affirmations. May be administered and taken by the Chair or person presiding in his/her stead, when a majority of the Board deems it appropriate to take sworn testimony. The Chair may place an individual under oath at any time before or during his/her presentation. Any such person shall be deemed to remain under oath as to the matter with respect to which he/she was sworn, for the remainder of the duration of the meeting.
- 7.7 Discussions and Debate by the Board. Shall be conducted following the presentation of

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testimony on the item of business pending, in which each member of the Board shall have the opportunity to speak to the matter. After the Board has acted, any member has the right to state a protest against the action, and his/her reasons therefore.

- 7.8 Decisions on Points of Order. The Chair, when presiding at a meeting of the Board, without vacating the chair, may give his/her reasons for any decision made by him/her on any point of order and such decision shall be made without debate.
- 7.9 Points of Order and Appeal to Board. Any member of the Board may appeal to the Board from the decision of the Chair on any question of order, a majority vote of those present being necessary to over-rule the Chair.
- 7.10 The Chair may, as he/she sees necessary or at the request of a member of the Board, call a brief recess. In the case of an identified emergency, the Chair may adjourn the meeting subject to appeal upon motion of any Board member.
- 7.11 Motion to Adjourn. At a meeting of the Board, a motion to adjourn shall be always in order and shall be decided without debate.
- 7.12 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 to postpone the previous question, for a substitute motion to be laid on the table or to adjourn. When there is an objection to consideration of a dilatory motion, the disposition of the motion shall require a majority vote of the Board and the underlying motion shall not be considered for the duration of the meeting.
- 7.13 Voting on Appointments to Office. Every appointment by the Board shall be by oral vote and recorded by name in the minutes of the Board.

ARTICLE VIII - DECORUM

- 8.1 Of Board Members. Shall be maintained in order to expedite disposition of the public's business before the Board. Questions, and remarks, shall be limited to only those relevant to the pending business. Members shall not converse with other members or with other persons in any manner having a disturbing effect on the conduct of such business. Members shall address all remarks to the Chair as the presiding officer. The Board shall further refer and adhere to the Code of Conduct and Code of Ethics.
- 8.2 Of Other Person. Shall be maintained by the Chair, who may request such assistance as to him/her appears necessary and may request the Sheriff or one of his/her deputies to attend meetings to preserve order. Persons addressing the Board shall limit their remarks to those

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relevant to the pending items. No persons in attendance shall be allowed to voice remarks except as recognized by the presiding officer after audibly stating their full name, place of residency and whom they represent. Groups in the audience creating an atmosphere detrimental or disturbing the conduct of the meeting will be asked to leave by the presiding officer. No person shall bring into the Board Room any sign, banner, or other such item; provided, that models, photos, maps, charts, drawings, and other such demonstrative materials intended for use in a presentation by a specific person shall be permitted. The Chair may order an expulsion of any citizen from the premises that he/she deems disorderly, subject to appeal to the full Board, for the safety and protection of the Board and its citizens, and to maintain proper decorum.

ARTICLE IX - MISCELLANEOUS

- 9.1 Roberts Rules of Order. Newly revised Roberts Rules of Order shall govern the conduct of all meetings of the Board to the extent that they are not inconsistent with these rules and the laws of the Commonwealth of Virginia.
- 9.2 Amendment of the Rules. May be accomplished by a majority vote of the entire membership, provided that such amendment may not be voted upon at any meeting unless the text of the proposed amendment has been presented in at least one previous meeting at which the date for a vote has also been established. Any proposed amendment shall be subject to further amendment at the meeting at which the vote is taken.
- 9.3 Suspension of the Rules. May occur whenever the Board shall by a majority vote to adopt a motion to suspend the rules. In such event, the rules shall be deemed suspended only with respect to the specific matter or question not then in accord with the rules.
- 9.4 In the interest of objectivity and to avoid any conflict of interest or the appearance thereof, the Board shall not hire or appoint to any office, board, authority, commission or committee, any member of a Board member’s *family or any close business associate. It is the sole responsibility of each Board member to fully disclose any familial or close business relationships prior to any consideration of employment or appointment.

*(*Family member is defined as spouse, parents, grandparents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, daughters-in-law, sons-in-law, uncles, aunts, nieces, nephews, as well as adopted, half, and step members of the immediate family.)*

Adopted by the Board: _____

Attest: _____

Clerk of the Board