

Planning Commission By-Laws

BY-LAWS CITY PLANNING COMMISSION HAMPTON, VIRGINIA

Introduction

This Commission was established September, 1952, by Ordinance, which states in part that the Planning Commission shall have the functions, powers, and duties which are prescribed by law.

ARTICLE I **BOARD OF COMMISSIONERS**

- a. **ORGANIZATION/QUALIFICATION OF MEMBERS.** The Commission shall consist of SEVEN (7) members, appointed by City Council as set forth in Hampton City Code §2-202. One member of the Commission may be a member of the City Council, and one member may be a member of the administrative branch of government of the City. All members must reside in the City of Hampton and at least one-half of the members so appointed shall be owners of real property.
- b. **TERM.** The term of the councilmanic member and of the member who is a member of the administrative branch of the city government shall in all cases correspond with their tenure of office. The term of the remaining members of the Commission shall be for four (4) years.
- c. **VACANCIES.** Vacancies shall be filled by appointment by the City Council for the unexpired term only. Any member is eligible for reappointment.
- d. **REMOVAL.** Any member may be removed by the City Council for malfeasance in office, including (without limitation) violation of the attendance requirements described in Article IV, Section (c) of these Bylaws.
- e. **COMPENSATION.** The councilmanic member and the member who is a member of the administrative branch of the city government shall serve on the Commission without compensation. The appointed members of the Commission shall receive such compensation as prescribed by City Council.

ARTICLE II

ELECTION AND DUTIES OF OFFICERS OF THE COMMISSION

- a. **ELECTION OF CHAIR/VICE-CHAIR.** At each regular September meeting, the Commission shall elect from its membership a Chair~~man~~ and Vice-Chair~~man~~ to serve for one term of one (1) year. A member of the Commission may hold any one office for up to two consecutive years. Those members shall serve in such capacity unless they resign or are removed from office. Should such a vacancy occur, the office shall be filled at the next regular meeting by election from the membership. Should both offices be vacant, the Secretary shall preside until the election can be held.

b. **DUTIES OF CHAIR.** The Chair~~man~~ shall preside over the meetings of the Commission, with the same powers and duties as the other members, with vote but no veto power. ~~He-The Chair~~ shall be the official head of the Commission and shall perform such other duties not inconsistent with ~~his-their~~ office as may be imposed by the Commission. The affairs of the Commission shall be under the general direction of the Chair~~man~~. The Chair~~man~~ in making a motion shall vacate as presiding officer and make a motion as any other member. ~~He-The Chair~~ shall call the meetings to order promptly at the hour for holding such meetings and, if a quorum be present, shall cause the minutes of the preceding meeting to be read, after which same shall be approved unless a member calls for some correction in said minutes.

c. **DUTIES OF VICE-CHAIR.** The Vice-Chair~~man~~, shall act in the absence or inability of the Chairman to act.

d. **ACTING CHAIR.** In the absence of both the Chair~~man~~ and Vice-Chair~~man~~, the Commission shall elect by a majority vote a member as Acting Chair~~man~~, who shall preside over the meeting and shall act as Chair~~man~~.

ARTICLE III

DUTIES OF THE SECRETARY OF THE COMMISSION

a. **DESIGNATION OF SECRETARY.** The Commission shall designate the ~~Planning-Director of Community Development~~ or ~~his-their~~ Authorized Designee to serve, in addition to ~~his-their~~ regular duties, as Secretary to the Commission; ~~he-the Secretary~~ shall attend all regular and special meetings of the Commission, as well as the meetings of any special committee of the Commission if required. The Secretary shall record the proceedings of the Commission meeting ~~in a journal, which is provided for that purpose which record shall serve as the basis for the minutes of each meeting,~~ and the same shall be properly indexed.

b. **DUTIES OF SECRETARY.** The Secretary shall perform such other clerical and administrative duties on behalf of the Commission or its members as the Commission may by resolution prescribe.

c. **KEEPING OF COMMISSION ROLL.** The Secretary shall keep a roll of the Commission members in inverse order according to their length of service with the Commission, followed by the member of the administrative branch, then the member of the governing body, and the Chair~~man~~, who shall be last. In the event two members shall have the same length of service, alphabetical order shall be used (after inverse order). ~~He-The Secretary~~ shall use this roll in the above order in recording all votes.

ARTICLE IV

MEETINGS OF THE COMMISSION

a. **REGULAR MEETINGS.** Regular meetings of the Commission shall be open to the public, except ~~as allowed by the for those portions of~~ Virginia Code, as amended. They shall be held in the City Hall of the City of Hampton, or such other place as designated by the Secretary, at 3:30 p.m. on the third Thursday of each month. A regular work session meeting of the Commission, which shall also be open to the public ~~except as allowed by the Virginia Code,~~ shall be held prior to each regular meeting at 3:00 p.m. in Hampton City Hall or such other place as

designated by the Secretary. Notwithstanding the foregoing, the Commission may enter into closed sessions not open to the public in accordance with Virginia Code §§ 2.2-3711 and 2.2-3712. Such Regular meetings of the Commission shall be held as designated above unless such date falls upon a legal holiday or on a day immediately following a meeting of the Hampton City Council, in which cases, the meetings shall be held on the Thursday next succeeding Thursday that date, which is not a legal holiday, and at the same hours, except as otherwise provided by special resolution of the Commission.

b. **CANCELATION OR RE-SCHEDULING OF MEETINGS.**

1. The Commission, by resolution adopted at any regular meeting, may fix the day or days to which any meeting shall be continued in the event that weather or other conditions make attendance at the meeting hazardous, as set forth in Section 15.2-2214 of the Virginia Code. The Commission shall cause a copy of such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.
2. If such a resolution is adopted by the Commission, upon a finding by the Chair, or the Vice-Chair if the Chair is unable to act, that weather or other conditions are such that it would be hazardous for members to attend a meeting, the Chair, or Vice-Chair if applicable, may cancel a meeting. Such finding shall be communicated to the members of the Commission and the press as promptly as possible. To the extent permitted by applicable law, in the event of such cancellation, all hearings and other matters previously advertised for the canceled meeting shall be conducted at the continued meeting and no further advertisement is required.

c. **ATTENDANCE.** Commission members ~~are encouraged to~~ shall attend all meetings, regular and special, and to notify the Chairman or the Secretary as soon as possible if unable to attend a meeting. ~~The missing of three (3) regular meetings in succession, or failing to attend at least sixty (60%) percent of regularly scheduled meetings during any calendar year by any member, without sufficient justification, will be reported by the Secretary of the Commission to the Clerk of Council for appropriate action by City Council. Failure by any member to attend at least seventy-five percent (75%) of the Commission's regular meetings in each one-year period beginning on the date the member was appointed to the Commission shall be reported to the City Council and shall constitute grounds for removal from the Commission.~~

d. **SPECIAL MEETINGS.** The Chairman, or any two members of the Commission by written request, may direct the Secretary to call a special meeting of the Commission at any time upon at least five days' written notice to each member. Written notice of a special meeting is not required if the time of the special meeting has been fixed as a regular meeting, or if ~~all each the~~ members ~~are~~ is present at the special meeting, or otherwise files a written waiver of notice.

e. **CLOSED MEETINGS.** Closed meetings may be held only in accordance with the Virginia Freedom of Information Act.

f. **PUBLIC HEARINGS.** Public hearings shall be held as required by and in accordance with the State Code. In addition to those required by law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.

1. To ensure that the affairs of the Commission may be conducted in an orderly manner, to ensure that all persons desiring to address the Commission on matters pertinent to it are afforded a opportunity to do so, to permit persons in attendance to observe and

hear the proceedings of the Commission without distraction, and to permit the Commission to conduct City business with minimal disruption, Rules for Public Hearings/Comment are established and shall be ~~displayed prior to every regular meeting of the Commission at the back of Chambers and on the projection screen, made available to the public~~ and may be read in whole or in part at the beginning of every regular meeting of the Commission. Said Rules for Public Hearings/Comment are attached hereto and made a part hereof. In any case, the Rules for Public Hearings/Comment shall govern all comments delivered by members of the public, and may be amended from time to time by a majority of the members of the Commission.

2. No action at a public hearing shall be taken until notice of intention to do so has been published in accordance with the ~~State-Virginia~~ Code.
3. ~~A record shall be kept of those speaking before a hearing~~The Secretary shall record the name and address of each member of the public so addressing the Commission in the minutes, and shall also record the substance of each such person's comments.

ARTICLE V

ORDER OF BUSINESS

a. **REGULAR MEETING.** At every regular meeting the order of business shall be as follows:

1. Call to order and reading of Rules for Public Hearings/Comment
2. Roll call to determine quorum.
3. Consideration and approval of minutes of previous meeting(s).
4. Agenda for meeting to be prepared by the Secretary, as directed by the Chairman, and to include all items of which he has been notified at least five (5) days before the meeting, subject to amendment by the Commission pursuant to consent by a majority of the members in attendance.
5. Staff Report
6. Director's Report
7. Items to be presented by the Public
8. Closed Meeting ~~(if advertised)~~
9. Unfinished Business
10. New Business
11. Adjournment

b. **SPECIAL MEETING.** The order of business at special meetings shall be as follows:

1. Roll Call to determine quorum
2. Reading of Call for Special Meeting, if written, or stated, if verbal.
3. Discussion of business on agenda in order given on agenda.
4. Adjournment

c. **DEVIATION FROM ORDER.** The order of business at regular or special meetings shall not be departed from except by the consent of the majority of members attending in attendance.

- d. **MINUTES.** The ~~Commission~~ Secretary shall keep a set of minutes of all regular and special meetings, and these minutes shall be a public record.

ARTICLE VI

PROCEDURE

- a. **QUORUM.** Four (4) members shall constitute a quorum for the transaction of business. In the absence of a quorum, at the expiration of fifteen minutes from the time appointed for the meeting, the Secretary shall enter upon the minutes the names of the members present, and the meeting shall stand ipso facto adjourned until the next regular meeting or until a new call is issued in the regular way, if it be a special meeting.
- b. **MEMBER DISCUSSIONS.** Members shall address only the Chair~~man~~, or address each other through the Chairman. A member must be recognized by the Chair~~man~~ before proceeding.
- c. **MOTIONS.** All motions shall be restated by the Chairman before a vote is taken. The names of the persons making and seconding motions shall be recorded. Except where otherwise required by law, a simple majority of the members in attendance is required for the Commission to take action on any item.
- d. **MOTION FOR RECONSIDERATION.** No motion for reconsideration shall be in order, except by consent of at least four (4) members of the entire Commission, at the same meeting; but no motion to reconsider shall be entertained, unless the same is made by one of the members voting with the prevailing side.
- e. **ABSTENTIONS.** Any member wishing to abstain from voting on any matter before the body shall state for the record the reason for such abstention, including, if applicable, information required to be disclosed under the Virginia State and Local Government Conflicts of Interest Act ("COIA"). Should any member of the Commission so abstain pursuant to COIA, the remaining members shall constitute a quorum of the Commission.
- f. **ROBERT'S RULES.** Upon all procedural questions not covered by the By-Laws or State law, the general rule of parliamentary procedure (Robert's Rules of Order, Newly Revised) shall govern. The City Attorney or their designee is Parliamentarian of the Commission.

ARTICLE VII

CONFLICT OF INTEREST

The Planning Commission shall comply with the State and Local government Conflict of Interest Act (Section 2.2-3100 *et seq.* of the Code of Virginia of 1950, as amended).

ARTICLE VIII

COMMITTEES

Special and advisory committees may be established by the Commission to make studies or carry out functions of the Commission.

ARTICLE IX

AMENDMENT OF BY-LAWS

| These By-Laws may be amended at any meeting by affirmative vote of at least five (5) members, but not until it has been proposed and read in full at a prior meeting.

| (Amended August 2008, October 2009, December 2012, July 2015, July 2017, and June 2026)