

BY-LAWS  
MADISON COUNTY PLANNING COMMISSION

Adopted: March 18, 1968  
Amended: January 1, 1977  
February 21, 2007  
March 17, 2010  
January 18, 2012  
April 17, 2013  
April 20, 2016  
January 17, 2018  
January 2, 2019  
February 19, 2020  
August 19, 2020  
September 16, 2020  
February 1, 2023  
June 20, 2024  
December 3, 2025

ARTICLE 1 – OBJECTIVES

- 1-1. This Commission, established pursuant to Code of Virginia § 15.2-2210 by the Madison County Board of Supervisors on the twelfth day of April, 1966, has adopted the subsequent Articles in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Chapter 22, Article 2, Code of Virginia.
- 1-2 The official title of this Commission shall be the “Madison County Planning Commission”, hereinafter referred to as the “Planning Commission”.

ARTICLE 2 – MEMBERS

- 2-1 The Planning Commission shall consist of up to 7 members appointed by the Board of Supervisors, all of whom shall be residents of Madison County.
- 2-2 Each member is encouraged to complete the Certified Planning Commissioner Program during the first two years of appointment (subject to availability of funds). Members who have previously completed the Program need not attend a second time. The plan is offered through Citizens Planning Education Association of Virginia (CPEAV) (<https://cura.vcu.edu/land-use-education/our-programming/>)
- 2-3 The members shall be appointed for staggered terms of four (4) years, not to exceed three (3) successive terms. Their successors shall be appointed for terms of four (4) years. Any vacancy in membership shall be filled by appointment by the Board of Supervisors, and such

appointment in the case of an appointed member shall be for an unexpired term. The Board may provide for the payment of expenses and a reasonable compensation for members of the Planning Commission who are not county employees.

- 2-4 A member may be removed from office by the Board of Supervisors for cause, including, without limitation, that the member is absent from any three (3) consecutive meetings of the Planning Commission or is absent from any four (4) meetings of the Planning Commission within any twelve (12) month period.
- 2-5 All requests for funding by the Planning Commission or its members must be presented to the Planning Commission for approval. The Planning Commission may approve such requests if budgetary funds are available.

### ARTICLE 3 – OFFICERS AND THEIR SELECTION

- 3-1 The officers of the Planning Commission shall be a Chairman and a Vice-Chairman elected annually from the membership of the Planning Commission, whose duties are outlined in Article 4. At any meeting where both the Chairman and Vice-Chairman are not present, the members shall select from their number Chairman *pro tem* to preside over such meeting and certify the minutes of such meeting. The Planning Commission shall also select a Secretary who need not be a member of the Planning Commission.
- 3-2 Nominations for officers shall be made at the January workshop. Election of officers shall follow immediately thereafter.
- 3-3 A candidate receiving a majority vote of the Planning Commission members present shall be declared elected and shall take office immediately and serve until the next January workshop meeting at which time normal elections take place as described in 3-2.
- 3-4 Vacancies in office shall be filled immediately by regular election procedures.

### ARTICLE 4 – DUTIES OF OFFICERS

- 4-1 The Chairman shall be a member of the Planning Commission and shall:
  - 4-1-1 Preside at all meetings.

- 4-1-2 Ensure that the duties of the planning commission as set forth in the Code of Virginia at § 15.2-2221, as amended, are followed, *viz*,
  - 4-1-3 Appoint committees.
  - 4-1-4 Rule on all procedural questions subject to a reversal by at least a two-thirds (2/3) majority vote of the Planning Commission members present.
  - 4-1-5 Be informed immediately of any official communications and report same and correspondence he has received and sent at the next regular meeting. Aforesaid communications and correspondence shall be made a part of the Planning Commission's permanent files.
  - 4-1-6 Sign all official papers involving the authority of the Planning Commission.
  - 4-1-7 Certify all minutes.
  - 4-1-8 Carry out other duties as assigned by the Board of Supervisors and the Planning Commission.
- 4-2 The Vice-Chairman shall be a member of the Planning Commission and shall:
- 4-2-1 Act in the absence or inability of the Chairman to act.
  - 4-2-2 Have the powers to function in the same capacity as the Chairman in cases of the Chairman's inability to act.
- 4-3 The Secretary shall be a resident of Madison County or a County employee:
- 4-3-1 Submit written and electronic records, including minutes, of all business transacted by the Planning Commission at its meetings to the county IT specialist.
  - 4-3-2 Keep a file of all official records and reports of the Planning Commission, certifying same.
  - 4-3-3 Attend to the correspondence of the Planning Commission, as it designates, necessary for the execution of its duties and functions, utilizing telephone and e-mail when necessary.
  - 4-3-4 Maintain the roll, and make quarterly reports to the Board of Supervisors of each member's attendance

and compensation due.

## ARTICLE 5 – COMMITTEES

- 5-1 Special committees may be appointed by the Chairman.
  - 5-1-1 Reports by Committees of the Planning Commission shall be submitted in written form when necessary.
  - 5-1-2 A minimum of three Planning Commission members must serve on every committee. Committees may have advisory members that are not members of the Planning Commission.
  - 5-1-3 The Chairman of each committee must be a member of the Planning Commission.
  - 5-1-4 Only Planning Commission members have the authority to vote on issues for recommendations to the full Planning Commission.

## ARTICLE 6 – MEETINGS

- 6-1 The Planning Commission shall meet at least every two months and, unless otherwise specified by the Chairman, the Planning Commission shall meet twice each month. One such meeting shall be a Regular Meeting to be followed immediately by a meeting of the Board of Supervisors, known as a Joint Meeting. The other meeting shall be a workshop meeting. When a regularly scheduled meeting falls on a legal holiday, the meeting shall be rescheduled. A meeting may be canceled by the Chairman, or the Vice-Chairman if the Chairman is unable to act, upon a finding that weather or other conditions are hazardous for the members of the public to attend the meetings. Meetings canceled due to weather or other hazardous conditions shall be rescheduled.
- 6-2 All meetings of the Planning Commission shall be in accordance with the requirements of the Virginia Freedom of Information Act (FOIA), § 2.2-3700 et. seq. of the Code of Virginia
- 6-3 All Joint meetings shall be held on the first Wednesday of each month and shall commence at 7:00 P.M. and continue until adjourned by vote of the Planning Commission.
- 6-4 All workshop meetings shall be held on the third Wednesday of each

month and shall commence at 6:30 P.M. and continue until adjourned by vote of the Planning Commission.

- 6-5 Special meetings shall be called at the request of the Chairman or at the written request of two (2) members of the Planning Commission, such request being made to the Secretary. Notice of all special meetings shall be in accordance with the requirements of the Virginia Freedom of Information Act.
- 6-7 A quorum for the transaction of business at meetings shall consist of one-half of the Planning Commission members then in office, and the number of votes necessary to transact business shall be a majority of the quorum present and voting. Voting may be by roll call, in which case a record shall be kept as a part of the minutes.
- 6-8 Each person speaking before the hearing shall be asked to state his or her name and a record shall be kept.
- 6-9 All written comments shall be incorporated into the meeting minutes by reference to the author and date, but the written comments shall not be read aloud at the meetings.
- 6-10 During times of local, state, or national emergency, the Planning Commission may conduct its meetings through electronic communication, when meeting in person is unsafe or impractical (Virginia Code 2.2-3708.2).
- 6-11 The Planning Commission may conduct any meeting in which public business is discussed or transacted through electronic communications if, on or before the day of the meeting, a member of the Planning Commission notifies the Chairman of the Planning Commission that they are unable to attend the meeting for any of the following reasons:
  - 6-11-1 Due to a temporary or permanent disability or other medical condition that prevents that member's personal attendance.
  - 6-11-2 The member is unable to attend the meeting due to a personal matter, and the member provides a description of the specific nature of the personal matter to the Chairman.

No member of the Planning Commission shall be entitled to rely on this provision more than twice in any calendar year.

If the Chairman of the Planning Commission approves the electronic participation set forth in this Section, the Planning Commission shall record in its minutes the fact that a member participated remotely through electronic communications and specify the remote location from which the member participated electronically. The Planning Commission shall also include in its minutes the reason(s) the member participated

remotely.

If the Chairman denies participation from a remote location, the basis for such disapproval shall be recorded in the minutes with specificity.

## ARTICLE 7 – ORDER OF BUSINESS

7-1 The order of business for both regular and workshop meeting shall be:

- 7-1-1 Call to order by the Chairman.
- 7-1-2 Pledge of Allegiance followed by moment of silence. (This item will not be followed at workshop meetings.)
- 7-1-3 Determination of a quorum.
- 7-1-4 Adopt and implement the agenda. Changes to the published agenda must have the unanimous approval of all members present.
- 7-1-5 Public Comment
- 7-1-6 Approval of the minutes.
- 7-1-7 Continuing Business
- 7-1-8 New Business (Each case under consideration shall be allotted time for comments from the Planning and Zoning Staff, the Planning Commissioners, the Applicant and the Public. Comments from the public may be limited at the discretion of the Chair. The chair may limit the number of speakers and may limit speakers' times to certain durations based on the need for efficiency. Should the chair elect to impose such limits, he or she should uniformly apply it to all public comment speakers.
- 7-1-9 Report of special committees.
- 7-1-10 Public Comment
- 7-1-11 Closed Session (Code of Virginia § 2.2-3711(A)(5), 2.2-3711(A)(7), & 2.2-3711(A)(8)
- 7-1-12 Adjournment.

7-2 Motions shall be restated by the Chairman or Secretary before a vote is taken. The names of persons making and seconding motions shall be recorded as well as the vote.

7-3 Meetings shall be generally conducted in accordance with the most recent edition of Robert's Rules of Order, Newly Revised, In Brief, but the Chair shall be ultimately responsible for conducting meetings, establishing procedures, and controlling the course of business. Failure to strictly comply with Robert's Rules of Order shall not invalidate any actions of the Commission.

7-4 The Chair shall be responsible for maintaining order and decorum

throughout each meeting. During public comment, comments may be limited in time per person at the discretion of the Chair. The chair may limit the number of speakers and may limit speakers' times to certain durations per individual based on the need for efficiency. Should the chair elect to impose such limits, he or she should uniformly apply it to all public comment speakers. The Chair may take any action necessary to maintain order and decorum, including stopping a presentation, ordering a recess, refusing to recognize a speaker, ordering that a matter be deferred to the next meeting, or any other appropriate action.

7-5 Regarding minutes of proceedings, the Planning Commission shall

7-5-1 Ensure compliance with the Virginia Public Records Act, § 42.1-76, et seq.

7-5-2 Maintain a set of minutes and electronic records of all meetings and these shall become a public record.

7-5-3 Ensure that all minutes are signed by the Secretary and certified by the Chairman, which shall become the official record.

7-5-4 Ensure that all subcommittees maintain a set of minutes and electronic records of all meetings and these shall become a public record.

## ARTICLE 8 - VOTING ON MATTERS

8-1 Unless otherwise required, an affirmative vote of at least a majority voting on an item shall be necessary to represent an official action or recommendation of the Commission. In the event any motion does not obtain an affirmative majority vote, that particular motion fails and no action is taken on it.

8-2 A tie vote shall be a rejection of the motion presented. Up to 2 additional motions pertaining to the matter at hand may be introduced after this initial tie vote. No Commissioner may make more than 2 motions on any particular matter, and there shall be no more than 3 total motions on said matter. In the event of deadlock, the Chair may order the deferral of the item until the next meeting or when the full membership will be present. Alternatively, if the matter at hand does not receive an affirmative majority vote after 3 separate motions, it shall be considered a denial of said matter.

8-3 The Chair may utilize either a general voice vote or an individual roll call vote on all matters required for action by the Commission.

## ARTICLE 9 – HEARINGS

- 9-1 In addition to those required by law, the Planning Commission may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest.
- 9-2 Notice of such hearings shall be published in accordance with Title 15.2, 1950 Code of Virginia, as amended.
- 9-3 The cases before the Planning Commission or the purpose of the hearing shall be summarized by the Chairman or other designated member of the Planning Commission, and parties in interest shall have the privilege of the floor.
- 9-4 Each person speaking before the hearing shall be asked to state name and address, and a record shall be kept.

## ARTICLE 10 - CONFLICTS OF INTEREST

- 10-1 Planning Commission members are subject to State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq and shall avoid issuing, deliberating, voting or reviewing cases which present a conflict of interest. As used here, a conflict of interest includes, but is not necessarily limited to situations:
  - 10-1.1. concerning the member or the member's spouse, child, step-child, grandchild, parent, brother, sister, grandparent, in-law, or household members.
  - 10-1.2. concerning work on land owned by the member, located adjacent property owned by the member as set forth in 10-1.1.
  - 10-1.3. which result in actions that may have a financial gain or loss to the member.
  - 10-1.4. involving a corporation, company, partnership, or any other entity in which the member is a part owner, or any other relationship where the member may stand to have a financial gain or loss.
  - 10-1.5. where an employee or employer is an applicant or agent for the applicant, or has a direct interest in the outcome.
- 10-2 When a conflict of interest exists the Planning Commission member shall do all of the following immediately, upon first knowledge of the case and determining a conflict exists:



- 10-2.1. Declare that a conflict exists and recuse oneself from the portion of the meeting that presents a conflict, including all proceedings, deliberations and voting on the matter.
- 10-2.2. Leave the hearing room or the front table where members of the Planning Commission sit until that agenda item is concluded.
- 10-2.3. The Planning Commission member may represent himself before the Commission for the purposes of providing testimony, but should do so as a member of the public.

#### ARTICLE 11 – AMENDMENTS

- 11-1 These By-Laws may be amended by at least a recorded two-thirds (2/3) vote of the entire Planning Commission if notice of such change is distributed at least five (5) days before the meeting. However, should notice of proposed By-law changes be distributed to each member at least fifteen (15) days before said meeting, the rules may be changed by at least two-thirds (2/3) vote of those present.
- 11-2 The Commission may temporarily suspend any of these By-Laws by a unanimous vote of the members present, provided a quorum is in attendance.