

BYLAWS AND RULES OF PROCEDURE
City of Lynchburg, Virginia
PLANNING COMMISSION

ARTICLE I – AUTHORIZATION

- 1.1 The City of Lynchburg Planning Commission is established by and in conformance with Section 35.1-12(f) of the Code of the City of Lynchburg, and in accord with the provisions of Section 15.2-2210 Code of Virginia (1950), as amended.
- 1.2 The official title of this body shall be the City of Lynchburg Planning Commission, hereafter referred to as the “Commission.”

ARTICLE II – PURPOSE

- 2.1 The primary purpose of the Commission is to advise the City of Lynchburg City Council, hereafter referred to as the “City Council,” and to carry out all duties and functions described by the Code of Virginia, as amended.

ARTICLE III – MEMBERSHIP

- 3.1 The membership of the Commission shall be determined by the City Council as specified in Section 30-16 of the Code of the City of Lynchburg. Methods of appointment and terms of office shall be determined by Section 30-17 and 30-18 of the Code of the City of Lynchburg.
- 3.2 Members will be appointed for three-year terms or to fulfill the remaining year(s) in the term of a member that has left the Commission.
- 3.3 Members may be reappointed for two additional terms following their first term or following their fulfilling the remaining year(s) in the term that had left the Commission.
- 3.4 As provided by the City Council’s Guidelines for Appointments to Boards and Commissions, members are expected to attend at least 75% of the regular meetings of the Commission in each year of that term. Attendance records will be forwarded to the City Council on an annual basis.
- 3.5 An extended leave of absence may be granted by a majority of the voting members for educational opportunities or other activities approved by the Commission. The Chairperson shall notify the City Council within one (1) week after approval. The final determination of whether or not absences will be excused rests with the City Council.

ARTICLE IV – OFFICERS

- 4.1 Officers of the Commission shall consist of a Chairperson, Vice-Chairperson and Secretary. The Chairperson and Vice-Chairperson must be voting members of the Commission. The Secretary shall be a City employee.

4.2 Selection

4.2.1 The officers shall be elected by the voting members of the Commission at the first meeting of the calendar year.

4.2.2 Nomination of officers shall be made from the floor at the first meeting of the calendar year. Election of officers shall follow immediately. A candidate receiving a majority vote of the voting membership present shall be declared elected. A quorum is required.

4.3 Duties

4.3.1 The Chairperson shall:

- a) Preside at meetings;
- b) Appoint committees;
- c) Rule on procedural questions. A ruling shall be subject to reversal by a two-thirds majority vote of the members present.
- d) Report official communications referencing positive and negative opinions;
- e) Certify official documents involving the authority of the commission.

4.3.2 The Vice-Chairperson shall:

- a) Assume the full powers of the Chairperson in the absence or inability of the Chairperson to act;
- b) Carry out the duties assigned by the Commission.

4.3.3 The Secretary shall:

- a) Ensure that attendance is recorded at all meetings;
- b) Ensure that the minutes of all Commission meetings are recorded;
- c) Notify members of all meetings;
- d) Prepare agendas for all meetings;
- e) Maintain files of all official Commission records and reports;
- f) Give notice of all Commission meetings, public hearings and public meetings;

- g) Provide to the City Council reports and recommendations of the Commission;
- h) Attend to the correspondence for the execution of the duties and functions of the Commission.

4.3.4 Term of office: Officers and the Secretary shall be elected for a one-year term or until a successor takes office. Vacancies shall be filled for an unexpired term by a majority vote of the Commission. In such cases, the newly elected officer shall serve only until the end of the calendar year or until a successor takes office.

4.3.5 Temporary Chairperson: In the event of the absence of both the Chairperson and the Vice-Chairperson from any meeting, the Commission shall designate from its members a temporary Chairperson who shall act for that meeting.

ARTICLE V – COMMITTEES

- 5.1 The Commission may establish committees necessary to accomplish its purpose.
- 5.2 In establishing committees, the Commission shall describe the purpose, membership and terms of office for each committee.
- 5.3 Members of the committees shall be appointed by the Chairperson. The Chairperson may request recommendations from the Commission or committee members on committee appointments.
- 5.4 Members of the committees may be Commission members, employees of the City or citizen volunteers.
- 5.5 The Chairperson and Vice-Chairperson shall be ex-officio members of every committee.

ARTICLE VI – MEETINGS

- 6.1 Regular meetings shall be held at a place set by the Commission at the first meeting of each calendar year.
- 6.2 The Commission shall have regular meetings as necessary on the second and fourth Wednesday of each month at 4:00 p.m.
- 6.3 Special meetings of the Commission may be called by the Chairperson or by two members upon written request to the Secretary. The Secretary shall mail to all members, at least five days in advance of the special meeting, a written notice fixing the time and place of the meeting and the purpose thereof.
- 6.4 Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting or if all the members are present at the special meeting or files a written waiver of notice.

- 6.5 All meetings shall be open to the public except for closed meetings as allowed by the Code of Virginia, as amended.
- 6.6 Closed meetings may be held only according to the requirements of and for the purposes described by the Code of Virginia, as amended.
- 6.7 Work sessions shall be held at the adjournment of regular meetings or at the time and place set by the Commission.
- 6.8 Commissioners are required to advise the Chairperson or the Secretary of their inability to participate in meetings twenty-four hours prior to each meeting (unless due to an emergency).

ARTICLE VII – VOTING

- 7.1 A majority of voting members constitutes a quorum. No action shall be taken or motion made unless a quorum is present.
- 7.2 A tie vote shall be a rejection of the motion presented.

ARTICLE VIII – OPERATING RULES

8.1 Order of Business – Regular meetings

- a) Call to order;
- b) Consideration of minutes;
- c) Committee reports;
- d) New business;
- e) Old business;
- f) Adjournment.

8.2 Minutes: The Commission shall keep minutes of each meeting, and on adoption by the Commission, these minutes shall become a public record. The Chairperson and Secretary shall sign all minutes at the end of the year, certifying that the minutes are true and correct.

8.3 Procedures

- 8.3.1 The Commission encourages maximum input from the public on all Commission matters. Ample time will be made available for this input at all meetings.
- 8.3.2 Commission will follow Roberts Rules of Order except in cases where they are in conflict with the laws of the Commonwealth of Virginia, the ordinances of the City of Lynchburg, special rules adopted by the Commission or by historic practice of the

Commission. However, failure to strictly comply with Roberts Rules of Order shall not invalidate any actions of the Commission.

- 8.3.3 Whenever an agenda item involves a recommendation to the City Council, the Commission shall make every effort to continue to consider the item attempting to conclude a recommendation. If a motion has been made and defeated, additional, different motions may be made concerning the item under consideration.
- 8.3.4 Business items on the agenda shall be considered using the following procedure:
- a) Review and vote on Subdivision or Street Dedication;
 - b) Read synopsis of application for Conditional Use Permit or Zoning or other petitions;
 - c) Comments by the Secretary and/or other City employee(s);
 - d) Petitioner presentation(s), stating name and address, for a maximum of ten minutes;
 - e) Additional person(s) may speak in favor of the petition, stating name and address for a maximum of three minutes each, without repetition;
 - f) Representative(s) may speak in opposition, stating name and address, for a maximum of ten minutes;
 - g) Additional person(s) may speak in opposition, stating name and address, for a maximum of three minutes each, without repetition;
 - h) Petitioner or representative may rebut for a total of three minutes;
 - i) Member of the opposition may rebut for a total of three minutes;
 - j) Public hearing closed by the Chairperson, announcing that there will be no further public comments allowed;
 - k) Questions for the petitioner(s) or opposition(s) by Commissioners for clarification or additional information;
 - l) Motion and action by the Commissioners.
- 8.3.5 Public comment shall be allowed in all cases as required by the Code of Virginia or the Code of the City of Lynchburg. In other cases, the Chairperson may allow public comment.
- 8.3.6 Petitions, displays, documents or correspondence presented at a meeting may be made part of the official record of the meeting by motion of the Commission and are

to be kept on file by the Secretary. Such items need not be made part of the published minutes.

8.4 Public Hearings

8.4.1 The Commission shall hold public hearings on all items for which hearings are required by the Code of Virginia or by the Code of the City of Lynchburg. Such public hearing shall be advertised as required by the Code of Virginia.

8.4.2 The Chairperson may establish special rules for any public hearing at the beginning of said hearing. These rules may include limitations on the time of the Secretary, petitioner, opposition and public comment.

8.4.3 In addition to those required by law, the Commission may hold public hearings on any matter which it deems to be in the public interest. In such cases, the public hearings shall follow all procedures described for public hearing in these bylaws.

8.5 Postponements

8.5.1 The Commission shall have the authority to postpone an agenda item if the following situations occur:

- a) The agenda item does not meet the requirements of the Code of Virginia or the Code of the City of Lynchburg;
- b) Insufficient information has been provided for the agenda item;
- c) Issues or concerns that arise during formal discussion of the agenda item warrant additional information or study;
- d) The applicant provides the City of Lynchburg Planning Department with a written request to postpone the agenda item;
- e) The City of Lynchburg Planning Department is advised of an emergency situation that prevents attendance by the applicant;
- f) The applicant fails to appear at the meeting in which the application has been advertised to appear;
- g) An emergency or act of God.

8.5.2 The applicant shall be permitted to request that an agenda item be postponed from a scheduled Commission one time. The Commission shall postpone the application for a specific period of time to ensure that the requirements of City of Lynchburg Ordinances are not exceeded unless the applicant requests a waiver from this requirement.

8.5.3 An application that has been postponed for an indefinite period of time shall be readvertised for consideration by the Commission once the following steps have been completed:

- a) The applicant has requested in writing that the agenda item be considered by the Commission;
- b) The applicant has provided all required information to the City of Lynchburg Planning Department which addresses all concerns of the Commission;
- c) The Commission shall have the authority to act on an agenda item that has been postponed one time when the item has been readvertised for a subsequent Commission agenda.

8.6 Work sessions

8.6.1 The Commission may hold work sessions at which the procedural rules of these bylaws shall not apply.

8.6.2 Work sessions shall be held after the adjournment of regular meeting or at times scheduled by the Commission.

8.6.3 Notice of work sessions shall be sent to the Commissioners at least six days prior to the session.

8.6.4 The Chairperson shall lead the session and require orderly behavior and discussion.

8.6.5 No actions shall be taken or motions made at a work session.

8.6.6 Work sessions shall be open to the public. Public comment is not required at a work session.

8.6.7 The Secretary shall keep a record of all work sessions and the items discussed.

8.6.8 Work sessions may be joint sessions including participation by other City employees, departments and City Council members.

8.7 Adjournment

8.7.1 Only the Chairperson or acting Chairperson may adjourn meetings.

ARTICLE IX – REPORTING

9.1 The Commission shall report yearly to the City Council “concerning the operation of the Commission and the status of planning within its jurisdiction” as prescribed by the Code of Virginia.

ARTICLE X – CONFLICT OF INTERESTS

10.1 As “officers” of the City of Lynchburg, Commission members shall be directed by the Conflict of Interests Act.

ARTICLE XI – ADDITIONAL RESPONSIBILITIES

11.1 As governed by the Code of Virginia, the Commission shall direct the preparation of the City Comprehensive Plan for presentation to City Council and periodically review/update this Plan as required by the Code of Virginia.

11.2 The Commission shall participate in the Capital Improvement Program and Zoning Ordinances to assure that they are in accordance with the Comprehensive Plan as required by the Code of Virginia.

11.3 The Commission shall receive direction from the City Council regarding any special programs that they desire to be managed or evaluated by the Commission within the Code of Virginia.

ARTICLE XII – AMENDMENTS

12.1 These Bylaws and Rules of Procedures may be amended by a majority vote of the entire voting membership after thirty days’ prior notice and review by the City Attorney.

ARTICLE XIII – EFFECTIVE DATE

13.1 Nothing in the foregoing Bylaws and Procedures shall be deemed as invalidating any official business transacted by the Commission prior to the adoption of these Bylaws and Procedures.

13.2 The foregoing Bylaws and Procedures shall become effective upon a vote of the majority of the membership of the Commission at a regular meeting.

13.3 Effective date is May 8, 2013.