

BOARD OF SUPERVISORS RULES OF PROCEDURE

§ A248-1. Purpose.

The Carroll County Board of Supervisors does hereby accept and adopt these rules of procedure in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Code of Virginia 1950, as amended.

§ A248-2. Official title.

The official title of this Board shall be the “Carroll County Board of Supervisors.”

§ A248-3. Membership; terms of office.

- A. The Carroll County Board of Supervisors shall consist of six members, one elected from each of the five election districts and one at large.
- B. The term of office of the Board members shall be four years, provided that in order to commence staggered terms for the Board of Supervisors, for the term of office beginning January 1, 2012 (initial term) three members shall be elected for a term of two years and three members shall be elected for a term of four years. On November 9, 2011 the Carroll County Electoral Board in compliance with State Law determined that the members of the Board representing Laurel Fork, Fancy Gap and Pipers Gap will serve the initial term of two years with all other members serving the initial term of four years.

§ A248-4. Officers.

- A. Enumeration of officers.
 1. Chairman. A Chairman of the Board shall be elected from its members at the first meeting of the each calendar year. The Chairman shall preside over all meetings and represent the Board at official functions and ceremonial events.
 2. Vice Chairman. A vice Chairman of the Board shall be elected from its members at the first meeting of each calendar year. He shall preside in the absence of the Chairman and perform such other duties as may be assigned by the Board.
 3. Chairman pro tern. The Chairman Pro Tern shall be appointed by the Chairman or vice Chairman in the absence of the other, before he leaves the room. In the event that no Chairman Pro Tern has been appointed, one shall be selected by the members remaining. This person shall preside in the absence of the foregoing officers.
- B. Term of office. The Chairman and the vice Chairman shall be elected for one-year terms. Either or both may be reelected for one or more additional one-year terms.

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§ A248-5. Other officers.

There shall be a County Administrator, a Clerk and a County Attorney, appointed by the Board of Supervisors, each of whom shall serve at the pleasure of the Board. The appointees to those offices as of the date of the approval of these amendments, November 21, 2011, shall continue in office until removal or resignation. Unless otherwise designated by the Board the County Administrator shall serve as Clerk to the Board of Supervisors.

§ A248-6. Meetings.

- A. Annual meeting. The first meeting held after the newly elected members of the Board have qualified and the first meeting held in each succeeding year shall be known as the "annual meeting." At such annual meeting, the Board shall establish the days, times and places for the regular meetings of the Board for the ensuing 12 months.
- B. Regular meetings. The Board shall meet in regular session at least once each month upon such days or days as have been established. 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 next following regular business day, without action of any kind by the Board.
- C. Special meeting. A special meeting of the Board may be called by the Chairman or at the request of two or more members. The Clerk shall immediately notify each member of the Board and the County Attorney, in writing or by electronic means. No matter other than those specified in the notice shall be considered at such meeting unless all members are present and agree to such action.
- D. Notice to public. The Clerk shall notify the general news media of the time and place of all such meetings and the matters to be considered in writing or by electronic means.
- E. Public hearings. Public Hearings shall be held after proper public notice has been given.
- F. Adjourned meetings. Any regular or special meeting may be adjourned by a majority of the members of the Board present to a day and time prior to the next meeting.
- G. Place of meetings. All meetings shall be held in the Carroll County Governmental Center, Hillsville, Virginia, unless a different meeting place shall have been established and notice published.
- H. 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 executive session. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a executive or closed meeting shall become effective unless following such meeting in Board reconvenes in

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open meeting and takes a vote of the membership on such resolution, ordinance, rule, order, regulation or motion.

§ A248-7. Quorum; actions of Board.

- A. Quorum. A majority of all the members of the Board shall constitute a quorum. The Chairman shall be included and counted in determining the presence or absence of a quorum.
- B. 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 of the discussion of matters submitted to the Board. The Clerk or County Administrator shall suggest the absence of a quorum prior to taking any action by the Board. Failure of the Clerk, the County Administrator or any other member to suggest the absence of a quorum shall not be deemed to alter the effect of this rule requiring a quorum as prerequisite to any action.
- C. Actions of the Board. Actions 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. 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.
 - 3. Orders. Where action of the Board is required on a matter simply stated, action may be taken by motion that shall be recorded as an order of the Board.
- D. Voting. Votes shall be taken on all motions made and seconded. However, a vote must be taken if the question is called even if a motion has not been seconded.
- E. Roll call vote. A roll call vote shall be taken at the request of any member when such a request is made. A roll call vote shall be taken in the final vote on any ordinance or resolution.
- F. Restating the question. The Chairman shall restate the question prior to the taking a vote; provided, however, that he may request that another member restate the question if, in his opinion, there is a necessity for clarification.
- G. Unanimous consent. Where no formal action is required and no objection is heard, the Board may direct and advise the County Administrator by unanimous consent. If there is an objection or difference of opinion, however, the matter shall be presented for formal action.

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H. Tie votes. When a tie vote occurs:

1. If one or more Supervisors are absent, the question shall be passed by until the next meeting, regular or special, at which time it must be put to a vote again.
2. If all Supervisors are present when the tie vote occurs, even if one or more Supervisors abstain, the tie vote shall defeat the motion, ordinance, resolution or order voted upon.

I. 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 seconded by any member. Reconsideration of action that required notice before adoption shall be taken only after notice equal to that given on the original action.

§ A248-8. Order of business.

- A. Commencement of meeting. At the specified hour for the annual, regular, adjourned or special meeting, the presiding officer shall call the meeting to order and direct the Clerk to note the presence or absence of members. A quorum shall be required to commence the meeting.
- B. Agenda. The County Administrator shall prepare an agenda for each meeting. Any Supervisor having matters he desires to have considered at a meeting shall submit them to the County Administrator for inclusion in the agenda.
- C. Citizen's time. There shall be an agenda item known as "citizen's time" to allow citizens to address the Board.
- D. Other items to be considered. Miscellaneous items to be presented to the Board for action shall be placed on the agenda. This shall include routine, old and new business.
- E. Supervisor's time. The County Administrator shall provide in each regular meetings agenda a period during which each Board member shall be entitled to unrestricted use of time for such purposes as each member may deem appropriate.
- F. Informational matters. The County Administrator shall schedule a time on the agenda to present explanatory and informational items to the Board that do not require action. This shall consist of such items as mail, reports, financial reports, etc.
- G. Order on agenda. The Chairman, in consultation with the County Administrator, 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 the performance of normal staff functions, insofar as it is practicable.
- H. Minutes. The Clerk shall keep the minutes of the meeting of the Board.

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- I. Approval of minutes. The Clerk shall prepare the minutes for distribution to the Board on or before the Friday preceding the meeting at which its approval will be on the agenda. Approval of the minutes shall be the first item on the agenda, following the invocation, and shall be approved, or corrected and approved, without reading.

§ A248-9. Conduct of business.

- A. Persons addressing the Board. These persons shall limit their presentations to the time allocated by the County Administrator on the agenda, unless the Board extends such time. The County Administrator, in fixing such time, shall take into account the complexity of the matter, its importance in relation to other business of the Board and the time available on the meeting date sought.
- B. Recognition. 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 considering and discussing the matter, no person shall thereafter be recognized to address the Board.
- C. Public hearings. In instances in which a public hearing has been scheduled by the Board, persons may address the Board without having been placed on the agenda. No person, however, may address the Board without having first been recognized by the presiding officer. When all public testimony has concluded, the Board shall consider and discuss the matter without interruption from the audience.
- D. Cumulative or repetitive testimony. Cumulative or repetitive testimony or discussion shall not be permitted on any matters within a six-month period by the same individual. Persons of the same position as a previous speaker shall state their names and positions of which they agree.
- E. Questions. Questions by the 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.
- F. Oaths and affirmations. Oaths and affirmations may be administered by the Chairman or person presiding in his stead. When a majority of the Board deem it appropriate to take sworn testimony, such action may be taken by the adoption of a motion to place a specific individual under oath or to place all of those who will speak to a given item of business under oath. The Chair may place an individual under oath at any time before or during his presentation. Any such person shall be deemed to remain under oath as to the matter with respect to which he was sworn for the remainder of the duration of the meeting.
- G. Discussion and debate by the Board. Discussion and debate by the Board shall be conducted following the presentation on the item of business pending. A member who has spoken to the item shall not speak again until each other member desiring to speak

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shall have an opportunity to speak. After Board shall have acted, any member shall have the right to state a protest against the action and his reasons therefor.

§ A248-10. Decorum.

- A. Decorum of Board members shall be maintained in order to expedite disposition of the business before the Board. Questions and remarks shall be limited to those relevant to the pending business. Members shall not converse with other members or with other persons in any matter having a disturbing effect on the conduct of business.
- B. Persons addressing the Board shall limit their remarks to those relevant to the pending items and to answering questions. They shall address the Board as a whole, unless answering an individual member's questions. The presiding officer shall call the speaker to order; if out-of-order remarks or other indecorous conduct persists, the presiding officer shall order the speaker from the room. The order with gavel, if not heeded, will then cause the Sheriff to carry out the order. A person whose allotted time to speak has expired shall be warned by the presiding officer to conclude in one minute, after which such person shall cease his presentation, unless he is asked to remain to answer questions from the Board.
- C. No persons in attendance shall be allowed to voice remarks except as recognized by the presiding officer after audibly stating their names and who they represent.
- D. Groups in the audience creating an atmosphere detrimental or disturbing the conduct of the meeting will be asked to leave by the presiding officer.
- E. No person shall bring into the Board room any sign, banner or other such item, provided the models, photos, maps, charts, drawings and other such demonstrative materials intended for use in a presentation by a specific person shall be permitted.

§ A248-11. Amendment or suspension of rules.

- A. Amendment of the rules may be accomplished by a majority vote of the membership. Any proposed amendment shall be subject to further amendment at the meeting at which the vote is taken.
- B. Suspension of the rules may occur whenever the Board shall, by majority vote, 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.

§ A248-12. Items not addressed by rules.

Any item not addressed by these rules of procedure shall be dealt with according to Robert's Rules of Order for small groups.

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§ A248-13. Code of Ethics.

The Carroll County Board of Supervisors Code of Ethics attached to these Rules of Procedure as Exhibit A, as amended, shall apply to the conduct of all members of the Carroll County Board of Supervisors. Members of the Board of Supervisors and all members of any Board, Committee, Authority and Commission of Carroll County shall be requested to execute, on or before the first meeting after their qualification or appointment as a Board, Committee, Authority or Commission member the Model of Excellence attached to these Rules as Exhibit B, as amended.