

TOWN OF MINERAL PLANNING COMMISSION

LOCATED IN
LOUISA COUNTY, VIRGINIA
BYLAWS – STANDING RULES OF
PROCEDURE

Originally Adopted: June 27, 2024

TOWN OF MINERAL
PLANNING COMMISSION
BYLAWS

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“Preamble”

Section 1 – Purpose and Basic Principles

Section 1-1. Purpose of Bylaws and Rules of Procedure

- A. To enable the Mineral Planning Commission (MPC) to transact business professionally, expeditiously, effectively, and efficiently.
- B. To protect the rights of each individual Commissioner and the public.
- C. To foster and preserve a spirit of cooperation and respect among all the MPC members; and
- D. To determine the pleasure of the MPC on all matters brought before it.

Section 1-2. Five basic principles underlying Bylaws and Rules of Procedure

- A. Only one subject may claim the attention of the MPC at a time.
- B. Each item presented for consideration is entitled to full and free discussion.
- C. Every member has rights equal to every other member.
- D. The will of the majority must be carried out, and the rights of the minority must be preserved; and
- E. The personality and desires of each member should be merged into the larger unit – the Town of Mineral Planning Commission.

Section 2 – Standing Rules of Procedure of the Town of Mineral Planning Commission

- I. Schedule and Time of Meetings
 - A. Regular Meetings: Regular meetings of the MPC shall be held in Mineral Municipal Building Town Council Chambers on the ~~third~~ fourth Thursday of each month at 6:30 pm. The MPC, by majority vote, may cancel any subsequent regular meeting, if there is insufficient business to require such a meeting, the Commission may reschedule a regular meeting to another date, if it so desires, or the Chairman may cancel a meeting if it is determined that there is not sufficient business or if it is determined ahead of time that there will not be a Quorum available for the scheduled meeting. MPC meetings shall not extend beyond 10:00 pm, unless

extended by a Majority Vote of the MPC. A Motion to extend a meeting beyond 10:00 pm shall take precedence over any Motion then on the floor.

- B. Special Meetings: Special Meetings of the MPC shall be called by the MPC Chair or by a Majority of the MPC members. Such requests shall be in writing, addressed to the Clerk of the MPC and shall specify the time and place of the meeting and the matters to be considered at the meeting. The Clerk shall immediately notify each member of the MPC in writing to attend such Special Meeting at the time and place described in the request. The Clerk's Notice shall specify the matters to be considered at the meeting. The Clerk shall send a copy of such notice to each member of the MPC by email and by hand to the residence of each member and provide a copy of the Notice to the Town Attorney by email not less than three days before the day of the Special Meeting. The requirement for three days advance Notice may be waived if a Majority of the MPC members concur, the Town Attorney attends the Special Meeting, and a Public Notice is placed on the Public Notice Board outside of the Municipal Building. No matter that was not specified in the Notice shall be discussed or considered at a Special Meeting.
- C. Commission Workshops: Commission Workshops are generally meetings of the MPC, conducted in an informal format, primarily for the purpose of receiving presentations by staff, consultants, contractors, or applicants regarding the Town Code, the Town's Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance the Capital Improvements Plan or reviews by the MPC of these or other pertinent matters. The Town Manager or Zoning Administrator, with the concurrence of the MPC Chair, or a majority of the MPC members in the absences of the Chair, may arrange for a MPC Workshop, provided that a Notice of the Workshop and the topics for discussion shall be delivered to each MPC member and the Town Attorney at least three days prior to the Workshop meeting.

II. CONDUCT OF MEETINGS

- A. These adopted Bylaws and Rules of Procedure apply. Where not addressed, the Robert's Rules of Order, Newest Revised Edition, shall govern the conduct of MPC meetings or as otherwise mandated by Virginia State Code. Any rule of Parliamentary Procedure may be suspended by a concurring vote of ~~five~~ ~~four~~ of the ~~seven~~ ~~five~~ (7.5) members appointed to the MPC. Any standing rule set forth herein (e.g. the length of time permitted for public hearings, amount of time allotted to each speaker, etc.) may be Suspended or Modified by a Majority vote of the MPC or by the Chair, with MPC concurrence.
- B. For any meeting, a majority (51% or more of the number of MPC members appointed) shall constitute a Quorum. If a Quorum has not been reached within fifteen (15) minutes from the time that the meeting was scheduled to begin, then the meeting of the MPC may be deemed to have been cancelled, and the MPC will meet again at its next scheduled meeting.
- C. The MPC Chair shall conduct the meetings and shall rule on interpretations of the Rules of Parliamentary Procedures and on these Standing Rules. The Town

Attorney, if available at the meeting, shall be the Parliamentarian, when requested by the Chair or a majority of the Commission.

- D. The Vice-Chair shall preside over meetings of the MPC in the absence of the Chair. If neither the Chair or the Vice-Chair of the MPC is in attendance at a meeting where a Quorum is nonetheless present, any member of the MPC may call the meeting to order and the members present shall elect a Chair Pro Tempore to preside over the meeting, or until either the Chair or the Vice-Chair arrives.
- E. Members of the MPC must be recognized by the Chair before proceeding to speak during any meeting. Members of the MPC shall address only the Chair and shall address other members, staff or and other persons present through the Chair. After being recognized by the Chair, an MPC member shall not be interrupted during the time that member is allotted to speak, except when a Point of Order is called or when being requested to yield the floor by another member.
- F. No member shall hold the floor longer than five minutes without yielding to the Chair or another member's request for the floor, when requested.
- G. No member may speak a second time on a Motion until every other member desiring to speak has spoken.
- H. When two or more members of the MPC wish to speak at the same time, the Chair shall designate the one to speak.
- I. Amendments to Motions require the approval of the member making the Motion and the member seconding the Motion.
- J. A Substitute Motion shall be allowed to any Motion properly on the floor; it shall have precedence over an existing Motion and may be discussed prior to being voted on. If the Substitute Motion fails, the former Motion can then be voted. If the Substitute Motion passes, the Substitute Motion becomes the Main Motion and can be voted. Once a Substitute Motion is voted upon, a second Substitute Motion may be made. No more than two (2) Substitute Motions may be made.
- K. At his or her discretion, an MPC member, who properly has the floor, may recognize any person in attendance at the meeting to speak for up to three (3) minutes on a germane matter, which is not the subject of a Public Hearing. The speaker's time will be deducted from the time allowed to the MPC member. If requested by the Chair, the speaker and/or the member must yield the floor after the time granted to him/them has expired.
- L. The MPC Chair is a participating member of the Commission and can make Motions, Second Motions, discuss and vote upon all matters that come before the MPC. When desiring to make a Motion, the Chair Should relinquish the Chair to the Vice-Chair, or another member if the Vice-Chair is absent, before making the Motion.
- M. Any Question submitted to the MPC shall be determined by a Voice Vote of the Majority of the members voting on the Question, except where the Rules of Parliamentary Procedure or the requirements of the Virginia State Code specify a greater than Majority vote. When the Voice Vote on any Motion does not appear to the Chair to be unanimous, he or she may request that the Clerk determine the vote of the individual members of the MPC by Roll Call. Any member of the MPC may call

for a Division of the House and the Chair shall then instruct the Clerk to conduct a Roll Call vote. The Roll Call shall be conducted on a rotating member basis. A tie vote on any matter defeats the Motion, Resolution, or issue upon which the vote is taken. Successive Tie Votes on a Motion to Approve or a Motion to Deny any proposed Ordinance or Rezoning shall defeat the proposed Ordinance Amendment or Rezoning. No member may change his or her vote on any matter, except through a Reconsideration of the Vote by the MPC. At the conclusion of the vote on each Motion, the Chair shall announce whether the Motion has been adopted or defeated.

- N. The Chair shall Order the Removal of any person whose behavior is so Unruly or Disruptive as to prevent the Orderly Conduct of the meeting. At least one Verbal Warning should be provided by the Chair to any offending person unless the immediate action of Removal is deemed necessary. The conduct of MPC members towards each other, the staff or the public Must be Above Reproach and should avoid even the Appearance of Impropriety. MPC members Shall Refrain from Abusive Language or Conduct, Personal Charges or Verbal Attacks upon the Character or Motives of other members of the MPC.

III. AGENDAS

- A. The standard Agenda for regular MPC meetings should be according to the following general format:
1. Call to Order
 2. Roll Call
 3. Pledge of Allegiance
 4. Adopt/Amend Meeting Agenda
 5. Public Comments (3 min. max per person)
 6. Approval of Consent Agenda Items
 7. Approval of Minutes
 8. Public Hearings
 9. Old Business
 10. New Business
 11. Reports:
 1. Zoning Administrator
 2. Commissioners Comments
 12. Closed Session (As necessary)
 13. Reconvene & Certification Vote
 14. Adjourn
- B. Items which are requested to be placed on the Meeting Agenda which have not been submitted to the Chair or Clerk within the prescribed deadline, at least eight days ahead of the meeting, may be placed on the next monthly regular Agenda for consideration. The Chair approves the items to be placed on each Meeting Agenda and the materials to be distributed. All MPC regular meeting packages should be electronically distributed to members and the Town Attorney at least five calendar days in advance of meetings. Copied materials may be made available to members, upon request, at least three business days prior to the meetings.

- C. Nothing herein prohibits any MPC member from requesting to add items to the Agenda at the time of the regular meeting, provided that such a request is made in the form of Motion, duly Seconded, voted on and approved by a Majority of the MPC. Members must use discretion in requesting additions to the items on the Agenda. It is considered desirable to have items listed on the Published Agenda.
- D. Variations from the standard Agenda for Regular meetings may be permitted by the Chair. The Agenda for Regular meetings, Special meetings, Workshop meetings/session, and other meetings shall be established by the MPC Chair, subject to review and consultation with the Zoning Administrator.
- E. Matters may be placed on the MPC Agenda by: (1) the Chair, (2) by previous Resolution of the MPC, (3) upon the request of any member of the MPC to the Chair and with the Chair's concurrence, or (4) by the Zoning Administrator, with the concurrence of the Chair.

IV. Public Comments

- A. A time shall be established on the Agenda of each regular monthly meeting of the MPC for the public to be able to address the MPC on any pertinent item(s) of their interest or concern, other than matters scheduled for Public Hearings in that meeting. Public Comments is an opportunity for primarily residents of the Town of Mineral to present comments and information to the MPC. The MPC typically will not respond directly to speakers comments or questions at that time. The MPC may direct that Staff prepare a report or take some other action in response to the public or the MPC may decide to put the matter on the current Agenda or a subsequent meeting for further discussion and/or action.
- B. During the Public Comments time, each speaker may be permitted to speak for up to three (3) minutes. If the number of public speakers requesting to address the MPC should exceed the allocated time of 15 minutes on the Agenda for Public Comments, the Chair may request, after the 15 minutes allotted for Public Comments has expired, that the any remaining members of the public signed up to speak, but have not been able to at that time, to return at the next regular meeting of the MPC to address the Commission. Alternatively, the Chair may inquire with the MPC, after the 15 minutes allocated for Public Comments has expired and more public speakers remain, as to whether it would be appropriate and desirable to the Commission that the Public Comment time for this meeting be extended for a specific additional time period to hear from the additional speakers. A Unanimous Consent or a majority vote of the MPC will necessitate the extension of the Public Comment period for any additional speakers.

V. APPROVAL OF MINUTES

- A. The Minutes of the preceding MPC meeting or any other previous meetings will be distributed to the members with the Agenda and package of materials for review prior to the meeting where the Minutes approval is requested. The Chair shall request a Motion for Approval of the Minutes and will inquire of any suggestions, corrections or changes to the minutes. Minutes of prior meetings shall be approved by a majority vote of the MPC members in attendance.
- B. It is the policy of the MPC that Minutes shall enumerate the following items:

1. The time, date and place of the meeting, members of the MPC and key staff members that were in attendance. The Clerk shall record in the Minutes the absence of any member of the MPC and/or the lateness or time of leaving the meeting of any member.
 2. A clear and concise statement of the matters that came before the MPC, the names of people speaking on each matter, and a synopsis of the statements.
 3. A notation of specified issues or clarifications that have salient bearing on the matter being decided.
 4. A notation of the memoranda and exhibits which accompany the matters before the MPC which shall be filed with the Clerk's records of the meeting.
 5. A statement of the specific request or recommendation being presented to the MPC.
 6. The specific and full text of each Motion, Substitute Motion, and Amendment considered by the MPC. The result of the vote, passage, or failure shall be noted and the vote of each member recorded.
 7. Such specific items, issues, comments, or votes, as requested by any MPC member during a meeting but prior to approval of the minutes by the MPC.
 8. Such other matters as the Clerk shall deem necessary to provide a complete, accurate and understandable record of deliberations of the MPC.
- C. Minutes of the workshops and other meetings of the MPC where no formal action is taken shall be summary in nature, indicating the time, date and place of the meeting, members of the MPC in attendance, persons making presentations before the MPC and the topic or topics of the workshop discussion.
- D. Video/tape recordings of the MPC shall be retained by the Office of the Town Manager ~~in accordance with the Library of Virginia. for a period of five years.~~

VI. Consent Agenda

- A. The purpose of the Consent Agenda is to provide a method for the expeditious handling of items which, in the opinion of the Zoning Administrator and the Chairman, will not require discussion and will be approved unanimously by the MPC.
- B. Prior to the consideration of a motion to approve the Consent Agenda, the Chairman shall ask if any member of the MPC would like to have an item removed from the Consent Agenda for discussion, for further information, or in order that there might be a separate vote on that item.

VII. Public Hearings

- A. The Chair shall conduct all Public Hearings.
- B. The order of Public Hearings shall be as follows.
 1. Hearings should begin with a brief presentation from the Zoning Administrator and/or a representative for the Zoning Administrator or another staff member. The presentation should summarize the facts about the issue and provide a recommendation to the MPC For or Against the application or request. MPC members may seek clarification during and following the presentation.
 2. After a brief presentation from staff, the Chair shall open the Public Hearing.

3. The duration of each Public Hearing should be limited to one hour, except if the Public Hearing is on a matter anticipated by MPC to have an especially high degree of public input. If so, it should be limited to two hours maximum in duration.
 4. Each speaker may be permitted to speak for up to three minutes, however, the applicant may be entitled to use up to ten minutes. No person shall be permitted to “yield time” to another speaker for the purpose of gaining additional time, unless agreed to by the Chair. Prior to the beginning of the MPC meeting and particularly prior to the opening of each Public Hearing, all members of the public or other persons wishing to speak during the Public Hearing, Shall sign up on a Town generated attendance form available for each meeting to include the person’s name, address and their contact information. If it appears to the Chair that there may be more prospective speakers wishing to speak to the MPC than can be accommodated in the time available for the Public Hearing, the Chair may reduce the time allotted to each speaker.
- C. The principal purpose of Public Hearings is to provide an opportunity for members of the public to provide input to the MPC regarding the subject of the Public Hearing. Accordingly, statements and questions from speakers will be recorded by members of the staff and, if sufficient time remains at the conclusion of the Public Hearing, the MPC may upon the Chair’s recognition, ask questions of speakers as necessary to clarify their comments or to obtain other information pertinent to the subject matter of the Public Hearing; however, the time expended in response to such questions shall not be deducted from the time allocated to any speaker or from the time allocated to proponents or opponents. MPC Members should withhold their comments until after the Public Hearing portion is closed, in order to ensure participation by the public without MPC interference.
 - D. After the public speakers have completed their remarks, the Applicant or the representative of the Applicant, at his or her discretion, may respond with a rebuttal. There shall be a five-minute time limit for rebuttal.
 - E. After the Staff, the Applicant and the public have concluded all presentations, the Chair shall close the Public Hearing.
 - F. When a Public Hearing has been closed by the Chair, no further public comments should be permitted. MPC members, however, may direct questions to the applicant, commission, committee, staff member or any others present, for clarification prior to taking any vote.
 - G. Following the closing of the Public Hearing, the MPC should debate the merits of the issue before it. Afterwards, the Chair shall entertain a Motion to dispose of the issue. If the Public Hearing has been duly conducted and closed, but the Commission chooses to Table action until a later meeting, discussion and action at that later meeting shall be limited to the MPC only. The Public Hearing itself shall not be continued to a subsequent meeting without additional public notification.

VIII. Elections and Appointments

- A. At the Annual Organizational Meeting of the MPC, usually held in January of each year, the Clerk or Town Manager to the MPC shall open and preside over the

Organizational Meeting as Temporary Chair until the Chair is duly elected. The nomination of officers should follow on the Agenda immediately after the Pledge of Allegiance.

- B. The election of the Chair, the Vice-Chair and the Secretary of the MPC shall be of a MPC member made by the nomination of any member of the MPC or the nomination of non-MPC member, in the case of the Secretary, for which a second is not required.
- C. The Clerk of the Commission shall open the floor for nominations for the election of the MPC Chair. The Clerk shall note the nominations in the order in which they are made by commissioners. Nominations shall be closed by the Clerk only after assuring that there are no further nominations to be made. A Motion to Close Nominations before adequate time has been provided for any an all MPC officers nominations to be made, shall be determined to be out of order. If more than one Commissioner or person has been nominated for any office, the Clerk shall poll the members of the MPC by Roll Call on each nominee in the order that the nominations were received. The first nominee for a given office to receive an affirmative majority vote of the members present and voting shall be deemed to have been elected to the office accordingly. Abstentions are not counted in determining the total vote count.
- D. The Chair, Vice-Chair and Secretary shall each serve for terms of one year and shall continue in their positions after their term has expired until their successors have been duly elected by the MPC.

IX. Section 3 – Closed Sessions

- A. Closed Sessions should only be conducted when the matter to be discussed is provided for under the Virginia State Code, Section 2.2-3711(A) Closed Meetings.
- B. No meeting shall become a Closed Session until the MPC takes an affirmative vote in open session to enter Closed Session and the Town Attorney, and/or duly designated legal counsel, is present in the meeting, or is participating in the Closed Meeting by phone or Zoom type electronic connection. Any MPC member dissenting in such a vote shall state the reason for the dissent.
 - 1. The motion to enter Closed Session shall state specifically the purpose or purposes which are the subject of the Closed Session and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Freedom of Information Act (FOIA) which authorizes the Closed Session.
 - 2. The Chair, Town Manager or the Zoning Administrator shall request the assistance of the Town Attorney when making additions to the published Closed Session Agenda.
- C. No resolution, ordinance, rule, contract, regulation, or motion considered in a Closed Session shall be voted upon in Closed Session. The MPC must reconvene in an open meeting to take a vote by the membership on such resolution, ordinance, rule, contract, regulation, or motion which shall have its substance reasonably identified in the open meeting.

- D. At the conclusion of a Closed Session, the MPC shall reconvene in open session immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:
 - 1. Only public business matters lawfully exempted from open meeting requirements were discussed; and
 - 2. Only public business identified in the motion convening the Closed Session were heard, discussed, or considered.

Any member who believes that there was a departure from the above requirements shall so state prior to the Chair's call for the vote, indicating the substance of the departure that, in his or her judgement, has taken place.

- E. The failure of the certification to receive the affirmative vote of a majority of the members present during the Closed Session shall not affect the validity or confidentiality of the Closed Session with respect to matters considered therein in compliance with the Freedom of Information Act.
- F. The MPC may permit non- Commission members to attend a Closed Session if their presence will reasonably aid the MPC in its consideration of an issue.

X. Section 4 – Amending the Bylaws and/or Rules of Procedure

After due consideration, these Bylaws and or Rules of Procedure may be amended with the concurrence of the majority of the MPC members present. Proposed changes to the approved Bylaws and Rules of Procedure shall be listed on a published MPC Agenda and provided in advance to all MPC members for their review.

