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**BYLAWS OF THE  
CITY PLANNING COMMISSION  
CHARLOTTESVILLE, VIRGINIA**

The City Planning Commission (established pursuant to Sections 2-236 through 2-244 of the Charlottesville City Code and Sections 15.2-2212 through 15.2-2222 of the Code of Virginia) hereby adopts the following rules for the transaction of its business:

**1. Officers and Duties**

1.1 Officers. The officers of the Planning Commission shall be a Chair, a Vice Chair and a Secretary, who shall have the duties set forth below.

1.2 Duties of Officers.

(1) Chair. In addition to the other duties set forth in these bylaws, it shall be the duty of the Chair to execute all documents on behalf of the Commission, to act as liaison between the Commission and the Department of Neighborhood Development Services and the Director of Neighborhood Development Services, to cause all resolutions, approvals and other actions of the Commission to be executed or carried out, to determine that all matters delegated to the Commission by state statute, city ordinance, or at the instance of the City Council are properly brought before the Commission, and to make appointments of members of the Commission to other boards, commissions or task forces on a regular or ad hoc basis as required. Appointments by the Chair shall under no circumstances be considered a delegation of the authority of the Commission with respect to any member's service on another board, commission or task force. Any views expressed or actions taken by a member of the Commission in any other forum, or as a member of another board, commission or task force shall be for all

purposes considered the views or action of such member as an individual, and should be identified as such by that member. With respect to the Planning Commission, the purpose of the appointment of any of its members to another board, commission or task force shall be only to provide information to the Commission through the reports of such member.

It shall also be the duty of the Chair to appoint, prior to the annual meeting, two members of the Commission to serve as a nominating committee for the offices of Chair and Vice Chair. Any member with at least one year of service on the Commission shall be eligible for appointment to the nominating committee.

(2) Vice Chair. The Vice Chair shall exercise the powers and perform the duties of the Chair during the absence, disability or disqualification of the Chair.

(3) Secretary. It shall be the duty of the Secretary to keep minutes of the Commission's proceedings, to give notices required by law or these bylaws, to prepare, in consultation with the Chair, the agenda for all meetings of the Commission, to be custodian of the Commission's records, to inform the Commission of correspondence relating to the business of the Commission and to respond to such correspondence unless responsibility is otherwise assigned by the Chair, to handle any funds allocated to the Commission, to act as liaison with the City Manager, City departments and agencies, and to execute on behalf of the Commission any documents requiring the signature of the Secretary. The Director of Neighborhood Development Services, appointed by the City Manager under the City Charter, shall be the Secretary of the Commission. In the event the Secretary shall be absent from any meeting, the officer presiding shall designate an acting Secretary. The Secretary shall not be a member of the Commission and shall have no vote.

1.3 Terms and Vacancies. The term of office for the Chair and the Vice Chair shall be one year. The Chair shall be eligible for reappointment to no more than one additional one year term. Should any vacancy occur among the offices described above, the Commission shall fill such vacancy as promptly as practicable and the individual elected to such office shall serve for the unexpired term of the office in which such vacancy has

occurred.

1.4 Required Training. Each member shall be required to attend the Virginia Planning Commissioners Institute or other similar program to receive instruction to assist with performance of duties. Attendance at this program should begin no later than one year into first term.

## 2. Meetings

2.1 Annual Meetings. The annual meeting shall be the first regular meeting in the month of September of each year. At such meeting the members of the Commission shall receive the report of the nominating committee and elect officers for the ensuing year, shall submit its annual report to City Council, and conduct such other business as shall be placed on the agenda in accordance with the provisions of these bylaws.

2.2 Regular Meetings. Regular meetings shall be held in the City Council's Chamber in City Hall, or such other location as the Commission may from time to time designate, at 4:30 p.m. on the second Tuesday of each month. If the second Tuesday falls on Election Day, the Commission may choose to move the meeting to the next available day. The meeting format will consist of a work session from 4:30pm to 5:30pm for discussion of upcoming agendas. The regular meeting with actionable items will begin at 5:30pm. Public Hearings will begin at 6:00.

2.3 Special Meetings. Special meetings may be called by the Chair, the Vice Chair in the absence of the Chair, or by any two members, upon written request to the Secretary.

2.4 Work Sessions. Work sessions may be held at the request of the Chair, or the Vice Chair in the absence of the Chair. Work sessions shall be held for the purpose of inquiry and discussion and no official action shall be taken at such meetings. Annually, the Commission shall strive to meet with the City Council at a joint work session for the purpose of discussing future goals and priorities and other matters of mutual concern.

2.5 Closed Sessions. The Commission may hold closed sessions in accordance with Va. Code Section 2.2-3711.

2.6 Notice of Meetings. The Secretary shall give written notice of all meetings (annual, regular, special and work session) to all members of the Commission at least five days prior to such meeting. Such notice shall state the time and place of such meetings. With respect to regular meetings and the annual meeting, such notice shall be accompanied by an agenda prepared in accordance with the provisions of these bylaws and accompanied by such documentation as may be reasonable to permit the members of the Commission to consider the business which they are called upon to act. With respect to work sessions and special meetings, the notice shall state the purpose of the meeting or the nature of the discussion or inquiry to be undertaken and shall be accompanied by such documentation as may be available and practicable to provide to enable the members of the Commission to thoughtfully consider the business to come before the meeting.

### **3. Conduct of Meetings.**

3.1 Quorum. At any meeting of the Planning Commission a quorum shall consist of four members of the Commission.

3.2 Procedure - Presiding Officer. All meetings of the Commission shall be conducted in accordance with Roberts' Rules of Order. The Chair of the Commission, or in his or her absence, the Vice Chair, or in the absence of both, the senior member of the Commission present shall preside at meetings of the Commission.

3.3 Voting. At all meetings of the Commission, each member present shall be entitled to cast one vote. No action of the Commission shall be valid unless authorized by a majority of Commissioners present and voting.

All members of the Planning Commission are subject to the Virginia State and Local Government Conflict of Interests Act (Va. Code 2.2-3100 et seq.) (“COIA”). In the event that any member shall have a “personal interest in a transaction” as defined by Va. Code Section 2.2-3112 in a matter before the Commission, regardless of whether such matter has come before the Commission for a vote, and aside from an interest in common with any other taxpayer or resident of the City, such member shall disclose that interest and may disqualify himself or

herself, or shall disqualify himself or herself if required by law, from voting on or participating in discussion upon that matter. In the event any other member of the Commission or any other person present at the meeting believes that a Commissioner has a personal interest as defined by COIA which disqualifies the Commissioner from considering or voting on a matter, such Commissioner or other person may bring such question to the attention of the Commission. After disclosure by a Commissioner of an interest in a matter before the Commission, any member of the Commission may request a ruling from the Commonwealth's Attorney, or in the event of his or her unavailability, the City Attorney or his or her representative present at the meeting with respect to whether such interest disqualifies such Commissioner from participating in the consideration of and voting on such matter. The ruling of the Commonwealth's Attorney or the City Attorney or his or her representative shall be conclusive.

A member of the Planning Commission is entitled to have the Commission consider and decide matters in which that member has a financial or personal interest. If the matter is one, under COIA, in which the member has a "personal interest", and the member is required or elects to refrain from any participation in the discussion or consideration of the matter by the Planning Commission, the member shall be prohibited (a) from attending any authorized closed meeting when the matter in which he or she has a personal interest is discussed; and (b) from discussing the matter with any other governmental officers or employees at any time. The member shall not participate in any presentation before the Commission, nor shall questions from the Commission be directed to that member. A member who has a matter before the Commission may have a co-owner, architect, engineer, attorney or other representative appear before the Commission on his or her behalf.

Former members of the Planning Commission shall not represent themselves or others before the Planning Commission for a period of one year following the conclusion of their term of office.

3.4 Proceedings. At any regular or special meeting of the Planning Commission, the order of business to come before the meeting shall be as expressed on the agenda sent out with the notice of the meeting provided, however, the presiding officer, with the consent of a majority of the Commissioners, may change the order of

business on the agenda for any reason. No matter not on the agenda for the meeting shall be brought before the Commission for consideration except with the agreement of a majority of the Commissioners present.

### 3.5 Procedures for Consideration of Planning Items

(1) The Planning Commission, at its regular scheduled meeting, will discuss major planning items to be considered at future meetings.

(2) Routine Planning Items - Routine zoning, special permits, site plans, subdivisions, Entrance Corridor Reviews when sitting as the Entrance Review Board, and waivers of steep slope requirements shall be reviewed as outlined in the City Code.

(3) Non-Routine Major Planning Items - Planning matters which will involve study or research over a period of time and consultation with organizations or groups of individuals outside of the Department of Neighborhood Development Services or the City administration and planning matters which will affect neighborhood or Citywide services or planning may be brought to the Commission's attention at any convenient time (and will be particularly encouraged during the Commission's annual retreat) by staff members or individual members of the Commission, by other branches of the City administration, by City Council members or local citizens. Other planning items may be brought to the Planning Commission by the general public, which may be put on the agenda after discussion by the Planning Commission. After preliminary consideration by the Commission, if such a matter is deemed by a majority of the Commission to be worthy of further consideration and study, the Commission may proceed with such a study utilizing resources available to it; or the Commission may instruct the Director of Neighborhood Development Services and the Chair of the Commission to direct a memorandum to City Council which shall describe the nature of the matter to be studied, the purpose of the study, the manner in which the study is to be conducted and such further information as may be germane, and may request such financial and staffing assistance as may be required.

(4) Annual Cyclical Planning Items - These items will be considered by the Planning

Commission based on individual program cycle. These include, but are not limited to: Capital Improvement Program, Community Development Block Grant Programs, Neighborhood Studies and Improvement Programs, Drainage, Sidewalks, and Highways. The Secretary will coordinate these agenda items with the Chair and the appropriate City Departments, City Manager and appropriate boards or task forces.

(5) Review of Public Facilities - The Planning Commission shall review and comment on all public facilities as specified in the state legislation and implemented by the public bodies, e.g. City Administration, Parks, Schools and Highways.

(6) Comprehensive Plan - The Planning Commission will review and update the Comprehensive Plan every five years as required by the state law.

#### **4. Community Participation**

4.1 Advertising. All meetings of the Planning Commission will be advertised as required by Section 15.2-2204 of the Code of Virginia and with such additional advertising as the Commission may from time to time direct.

4.2 Citizen Advice and Participation. The Commission will make efforts to encourage participation of citizens of the community on matters affecting neighborhoods or with Citywide implications, and in pursuance thereof may appoint special task forces or committees to study and resolve specific issues, may order special notices or public hearings on particular matters and utilize similar devices to effect the purposes herein stated.

#### **5. Amendments.**

These bylaws may be amended by vote of a majority of the Commission at any meeting provided, however, notice of such proposed amendment shall be given to each member of the Commission in writing at least five days prior to such meeting.