

RULES OF PROCEDURES

HIGHLAND COUNTY BOARD OF SUPERVISORS

SECTION A: CODE OF VIRGINIA

All references to the Code of Virginia shall include all subsequent amendments._

SECTION B: CREATION

The Highland County Board of Supervisors, hereinafter called the Board, is an elected body provided by the Code of Virginia, Section 15.2-1400. It consists of three (3) members elected at-large.

SECTION C: SEAL OF THE BOARD

When affixed to any paper or document by the Clerk, the Seal has the force and effect of authentication for the Board.

SECTION D: PRINCIPAL ADDRESS

The principal address of the Board shall be: Courthouse, 165 W. Main Street, Highland County, Monterey, Virginia; mailing address: P. O. Box 130, Monterey, VA 24465.

SECTION E: OFFICERS

Election and Term of Chairman and Vice-Chairman

At the annual or organizational meeting of the Board of Supervisors, the Board shall elect from its membership a Chairman and Vice-Chairman, each of whom shall serve a term for one year, expiring on December 31 of the year elected, or until their respective successors shall have been elected and qualified. In the absence of the Chairman, the Vice-Chairman shall preside at meetings.

SECTION F: TIE BREAKER

Pursuant to Code of Virginia, Section 15.2-1421, the Board may designate a tie breaker, whose duty it shall be to cast the deciding vote in case of tie, as set forth in Code of Virginia, Section 15.2-1420. The designation of the tie breaker shall be by election by the voters of the county from the county at large. Every tie breaker shall serve for a period of four years from the date of his election and every tie breaker so elected shall serve the same term as a member of the governing body. No person shall be elected or serve as tie breaker who is not a resident of the county; who is not qualified to hold office as supervisor or who is an employee or officer of the county. Tie breakers heretofore

appointed or elected shall continue in office until the expiration of the respective terms. Vacancies in the position of tie breaker shall be filled in the same manner as vacancies in the governing body.

SECTION G: COUNTY ADMINISTRATOR

The County Administrator shall be Clerk to the Board, hereinafter called the Clerk, whose duties and responsibilities shall be those set forth in State law and as delegated and directed by the Board of Supervisors.

SECTION H: COUNTY ATTORNEY

The County Attorney provides advice and action in legal matters and represents the Board in civil actions. The County Attorney, at the direction of the Board of Supervisors, also provides advice and action in legal matters to the constitutional officers, zoning administrator, building official and other departments and agencies of the County.

SECTION I: PARLIAMENTARIAN

The County Attorney shall serve as the Parliamentarian to the Board.

SECTION J: QUORUM AND MANNER OF VOTING

A majority of the Board shall constitute a quorum for the purpose of conducting Board business. If a quorum is not present, those in attendance shall adjourn to a later time when a quorum is present to transact business.

No ordinance or resolution appropriating money exceeding the sum of \$500.00, imposing taxes or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the Board.

SECTION K: RULES OF ORDER

The proceedings of the Board, except as otherwise provided within these Rules of Procedures and applicable State law, shall be governed by Robert's Rules of Order, Newly Revised pertaining to conducting business for small boards, in effect at the time of the action.

In general:

PROCEDURE IN SMALL BOARDS: In a board meeting where there are not more than a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in assemblies, in the following respects:

Members are not required to obtain the floor before making motions or speaking, which they can do while seated.

Motions need not be seconded.

There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.

Informal discussion of a subject is permitted while no motion is pending.

The Chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.

SECTION L: MEETINGS

Regular Meetings

- A. All regular meetings of the Board shall be open to the public, except certain specific exempt topics identified in Section 2.2-3711 of the Code of Virginia.
- B. The Board shall hold regular meetings on such days as may be prescribed by resolution at the annual or organizational meeting in January of each year, but which shall not be less frequent than once a month, barring unforeseen circumstances or inclement weather. The Board shall give notice of the date, time and location of its meetings by placing a notice in a public location at which notices are regularly posted and in the office of the Clerk. The notice shall be posted at least three days prior to the meeting. In addition to the above methods of posting notices, the Clerk may also post meeting notices by electronic means.
- C. Regular meetings, without further public notice, may be continued from day to day or time to time or place to place, not beyond the time fixed for the next regular meeting, until the business before the Board is completed.
- D. If the Chairman or the Vice-Chairman, if the Chairman is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for the Board members to attend a regular meeting, the regular meeting shall be continued until the following Tuesday, with the exception of holidays, following the date of a regular meeting. Such conditions shall be communicated to the members of the Board, the public and the media as promptly as possible. All public hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.
- E. When a regularly scheduled meeting falls on a legal holiday, the meeting shall be held on the next following regular business day, without action of any kind

of the Board, unless the meeting is cancelled by a majority vote of the Board or rescheduled by resolution as set forth in Paragraph G of this Section.

- F. All regular meetings of the Board shall be held in the Highland Modular Conference Center, unless otherwise noted.
- G. The Board may by resolution, when necessary, change the date, time or place of the regular meeting. The resolution shall set forth the circumstances necessitating such change. A copy of the resolution shall be posted on the door of the initial meeting place and published in a newspaper having general circulation in the county at least seven days prior to the first such meeting at the other date, time or place. Notice of such change shall also be posted in a public location at which notices are regularly posted and in the office of the Clerk at least three days prior to the meeting to be held pursuant to such change.
- H. Except for properly called closed meetings as permitted by state law, all regular meetings of the Board and official committees of the Board shall be open to the media, freely subject to recording by radio, television and photography at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings under such rules as the Board may prescribe.

Special Meetings

- A. The Chairman or two members of the Board may call special meetings of the Board whenever in their opinion the public business may require it.
- B. Whenever a special meeting shall be called, the Clerk shall notify each member of the Board and the County Attorney in writing delivered either in person or by notice left at his/her place of residence or business, stating the date, time and place of the meeting and the purpose for which such meeting is called. No matter not specified in the notice shall be considered at such meeting, unless all members are present.
- C. The notice may be waived if all members of the Board attend the special meeting or sign a waiver.
- D. Notice to the public of a special meeting shall be given contemporaneously with the notice provided members of the Board.

Work Sessions

The Board may meet informally in work sessions which shall be open to the general public, at the call of the Clerk or of any member of the Board, to review forthcoming programs of the County, receive progress reports on current programs or projects, or

receive other similar information from the Clerk, provided that all discussions and conclusions thereon shall be informal.

Closed Meetings

Closed meetings may be held in accordance with the provisions of the Virginia Freedom of Information Act, as amended.

During closed session all confidential and privileged information documents, information, and discussions from a closed session, attorney-client privileged communication and other confidential information shall not be disclosed without the approval of the Board. In the event confidential or privileged information is released or otherwise disclosed, without the consent of the Board, then the Board shall vote to either authorize the disclosure or reaffirm the confidentiality and/or claim of privilege. In addition, the Board may, in its discretion, sanction or censure a member for improper disclosure of confidential or privileged information

SECTION M: ORDER OF BUSINESS

Agenda Preparation

- A. The Clerk shall prepare the agenda for each regular meeting conforming to the agenda format approved by the Board. Except as permitted at the discretion of the Clerk, each item to be placed on the agenda shall be received in the Office of the Clerk before the close of the work day on the Monday one week prior to any regular meeting of the Board.
- B. It is recognized that from time to time matters shall arise after the normal cut-off for items to be placed on the agenda. In such cases, items shall be added to the agenda if the matter is received by the Clerk not later than 12:00 p.m. on the day of the meeting.
- C. The Clerk shall docket all items requested for the agenda. If, in the opinion of the Clerk, an item is not appropriate for consideration by the Board, he/she shall inform the Chairman, and if the Chairman is in agreement, the Board shall discuss at a public meeting whether to entertain the item.
- D. The Board shall consider all items docketed on the agenda before taking any other items unless an undocketed item is brought by consent of the Board, provided no Board member objects.
- E. Time permitting, items not on the agenda shall be heard as the final items of the Board's business. If, in the opinion of the Chairman or the Board, time does not permit hearing items not on the agenda, such items shall be carried over to the next regular or special meeting.

- F. The agenda packages shall be transmitted by the Clerk to the Board by the close of business on the Thursday prior to the regular meeting using whatever means of delivery he/she deems best suitable to insure the Board members have the agenda packages prior to the regular meeting.

Order of Business

The order of business at Board of Supervisor meetings is normally as follows unless the Clerk in drawing up the Agenda shall find good cause to change it:

- A. Call to Order
- B. Approval of Minutes
- C. Public Hearings/Public Appearances
- D. Public Comments on Agenda Items
- E. Items for Action, Discussion, Review or Information
- F. Old Business
- G. New Business
- H. County Administrator's Reports, Requests and Recommendations
- I. Board Comments
- J. Consent Agenda
- K. Open Public Comments
- L. Closed Meeting (as needed)
- M. Adjourn / Recess

Minutes

- A. Minutes of all regular and special meetings and work sessions shall be recorded in an official Minute Book. Such minutes shall be maintained in the office of the Clerk. The minutes shall reflect:
 - (1) The date, time and place of the meeting or session;
 - (2) The members recorded as either present or absent;
 - (3) A concise statement of all matters proposed, discussed or decided;
 - (4) A notation of the memorandum and exhibits which accompany the matter before the Board which shall be filed with the Clerk's records of the meeting.
 - (5) The specific and full text of each motion, substitute motion, and amendment considered by the Board. The result of the vote, passage or failure, shall be noted and the vote of each member recorded.
 - (6) Such other matters as the Clerk shall deem necessary to provide a complete, accurate and understandable record of the deliberations of the Board.
- B. Minutes taken during a previous Board meeting will be distributed to the members of the Board with the Board package for review prior to the meeting of the Board at which approval is requested. It shall not be necessary to read the minutes aloud at the Board meeting prior to approval. Minutes of prior board meetings will be deemed to be approved as submitted, unless a

correction is requested by a member of the Board and approved by the vote of a majority of Board members.

- C. Minutes of work sessions and other informal meetings of the Board where no formal action is taken shall be summary in nature, indicating the date, time and place of the meeting, members of the Board in attendance, persons making presentations before the Board, and the topic or topics of the work session or discussion.
- D. Minutes may be kept for closed meetings, but are not required. If minutes are kept for a lawfully closed meeting, the minutes are exempt from required public inspection under the Virginia Freedom of Information Act, as amended.
- E. Audio or video tapes of Board meetings, if created, shall be deemed public records and are subject to the provisions of the Virginia Freedom of Information Act, as amended.

Public Hearings

It is the purpose and objective of the Board of Supervisors to give each citizen an opportunity to express his/her views at public hearings and to give all speakers equal treatment and courtesy. To accomplish this objective, it is necessary that certain rules of procedure prevail at all hearings of the Board of Supervisors. Public Hearing Rules of Procedure adopted by the Board of Supervisors on September 7, 2004 are attached and incorporated herein.

Public Comment Period

The Board shall set aside, near the beginning of each regular monthly meeting, a period for public comment on items included on the current meeting's agenda. A short period shall be set aside near the end of the meeting for open public comments. Citizen Comment Rules of Procedure adopted by the Board of Supervisors on September 7, 2004 are attached and incorporated herein.

Board Comments

This time is generally used for individual Board members to share information with other members of the Board and the public or to present matters not listed on the agenda.

Consent Agenda

The purpose of the Consent Agenda is to provide a method for the expeditious handling of items, which, in the opinion of the Clerk and the Chairman, will not require discussion and will be approved unanimously by the Board.

SECTION N: APPROVAL TO PAY PAYROLL AND ACCOUNTS PAYABLE WARRANTS

- A. Consistent with Code of Virginia, Section 15.2-1243, the Board of Supervisors grants to the Clerk the authority to audit and approve for payment on their behalf warrants for valid accounts payable and payroll activity.
- B. The Clerk's approval will be documented in writing on a check transmittal that will accompany the warrants when they are forwarded to the Treasurer for signature.
- C. All warrants must be presented to the Board of Supervisors for action as a consent agenda item at their regular meeting.

SECTION O: RULES

- A. The Rules of Procedures may be suspended at any time, for a given board meeting, by a majority vote of the Board of Supervisors.
- B. The Rules of Procedures may be amended by majority vote of the Board of Supervisors. No notice shall be required for the adoption of any amendments.
- C. These Rules of Procedures are not adopted by Ordinance or Resolution and are not binding on any future Board unless adopted by such Board.

SECTION P: ADOPTION AND AMENDMENTS

Adopted – January 4, 2005

Readopted – January 3, 2006

Readopted – January 3, 2007

Readopted – January 2, 2008

Amendments –

January 3, 2007 Page 1 Section D – Principal Address: insert physical address

January 2, 2008 Page 2 Section F – Tie Breaker: Updated pursuant to Code of Virginia Section 15.2-1421

Readopted – January 6, 2009

Readopted – January 5, 2010

Readopted – January 4, 2011

Readopted – January 3, 2012

Readopted – January 3, 2013

Readopted – January 8, 2014

Readopted – January 6, 2015

Readopted – January 5, 2016

Readopted – January 3, 2017

Readopted January 9, 2018

Readopted January 8, 2019

Readopted January 7, 2020

Readopted January 5, 2021
Readopted February 1, 2022
Readopted January 3, 2023
Readopted January 2, 2024

Amendments –

January 2, 2024, Page 5– Closed Meetings: insert During closed session all confidential and privileged information documents, information, and discussions from a closed session, attorney-client privileged communication and other confidential information shall not be disclosed without the approval of the Board. In the event confidential or privileged information is released or otherwise disclosed, without the consent of the Board, then the Board shall vote to either authorize the disclosure or reaffirm the confidentiality and/or claim of privilege. In addition, the Board may, in its discretion, sanction or censure a member for improper disclosure of confidential or privileged information.