

**SMYTH COUNTY BOARD OF SUPERVISORS**



**RULES OF PROCEDURES ADOPTED SEPTEMBER 9, 2003**

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**Amended January 9, 2018**

**Amended March 9, 2021**

## SMYTH COUNTY BOARD OF SUPERVISORS - RULES OF PROCEDURE

Be It Resolved, the Smyth 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. The official title of the governing body is "Smyth County Board of Supervisors" (Board).

### ARTICLE 1 - Members

**1.1**     Members. The Smyth County Board of Supervisors consists of seven (7) members, one elected from each of the seven (7) election districts. Each member is elected for a term of four (4) years. Terms of office of the members run concurrently with the calendar year.

**1.2**     Chairperson. A Chairperson of the Board shall be elected from its members, by a plurality vote, at the first meeting of each calendar year. The Chairperson shall preside over all meetings, represent the Board at official functions and ceremonial events, and make such appointments as are not required by law to be made by the Board as a body.

**1.3**     Vice Chairperson. A Vice Chairperson of the Board shall be elected from its members, by a plurality vote, at the first meeting of each calendar year. The Vice Chairperson shall preside in the absence of the Chairperson, and perform such other duties as may be assigned by the Board.

**1.4**     Chairperson Pro-Tem. A Chairperson Pro-Tem may be appointed by the Chairperson or Vice Chairperson in the absence of both, before he/she leaves the room. In the event no Chairperson Pro-Tem has been appointed, one shall be selected by the members remaining. This person shall preside in the absence of the Chairperson and Vice Chairperson.

**1.5**     Term of Office. The Chairperson and Vice Chairperson shall each be elected for a one (1) year term. Either, or both, may be re-elected for one or more additional one-year terms.\*

*This section amended on March 9, 2021 at the Board of Supervisors meeting.*

**1.6**     Clerk and Deputy Clerks. The Board may, at its first meeting of each calendar year, or as needed, designate clerk and one or more deputy clerks, who shall serve at the pleasure of the Board. Their duties shall be those set forth in Section 15.2-1538 and 15.2-1539, Title 15.2, Code of Virginia 1950, as amended, and by resolution of the Board adopted from time to time.

## ARTICLE II - Meetings

**2.1**     Annual Meeting. The first meeting held after the newly elected members of the Board have qualified, and the first meeting held of 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 meeting of the Board for the next twelve months. (§15.2-1416, Code of

Virginia of 1950)

**2.2**     Regular Meetings. The Board shall meet in regular session at least once each month upon such day 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 and providing the notice required by § 15.2-1416. 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. (Section 15.2-1416, Code of Virginia 1950, as amended).

Pursuant to this section, the Board shall designate the meeting dates to be the second Tuesday and fourth Thursday of each month. The meeting times shall be 5:00 p.m. for the Tuesday meetings and 7:00 p.m. for the Thursday meetings. The meetings on Tuesdays shall constitute the Board's monthly legislative meeting and shall include specific time set aside for general public comments as described in section 4.3 below. \*

*This section amended on March 9, 2021 at the Board of Supervisors meeting.*

**2.3**     Special Meetings. A special meeting of the Board may be called by the Chairperson, or shall be called at the request of two or more members, which request shall be in writing addressed to the Clerk of the Board, specifying the time and place of the proposed special meeting and the matter to be discussed. Upon receipt of the request, the Clerk shall immediately notify in writing each member of the Board, the County Administrator, the Sheriff, and the County Attorney to attend the special meeting at the

given time and place and for the given purpose. Such notice shall be sent by first class or served by the Sheriff, or both, at least five (5) days before the date of the special meeting, except in a declared emergency, in which instance the notice may conform to the necessity of the emergency. 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 by unanimous vote. (Sections 15.2-1417 and 15.2-1418, et al, of the Code of Virginia of 1950, as amended.)

**2.4**     Notices 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.

**2.5**     Public Hearings. Public hearings shall be held after proper notice has been given. (§15.2-2204, § 15.2-2506, etc., or special provisions or the Code of Virginia of 1950, as amended)

**2.6**     Adjourned Meetings. Any regular or special meeting may be adjourned by a majority of the members of the Board present to a date and time certain prior to the next meeting.

**2.7**     Place of Meetings. All meetings shall be held in the Smyth County Board of Supervisors' Board Room, 121 Bagley Circle, Suite 100, Marion, Virginia, unless a different meeting place shall have been established and notice given and published as required by the Code of Virginia of 1950, as amended.

**2.8** Open Meetings. All meetings shall be open to the public, provided that the Board may, for the purpose 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 executive or closed meeting shall become effective unless following such meeting the Board reconvenes in open meeting and, by affirmative vote of the members, such action, ordinance, rule, contract, regulation, or motion is approved in open session.

### ARTICLE III - Quorum and Actions

**3.1** Quorum. A majority of all the members of the Board shall constitute a quorum. The Chairperson shall be included and counted in determining the presence or absence of a quorum.

**3.2** 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, County Administrator, or Deputy Clerk, shall suggest the absence of a quorum prior to taking of any action by the Board. Failure of the Clerk, County Administrator, or Deputy Clerk, 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 a prerequisite to any action.

**3.3** 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 it is desired by the Board to act without the adoption of an ordinance, action may be taken by the adoption of a resolution.
- 3) Contracts. In certain instances, action may be required by contracts. Contracts shall be proposed in writing and a copy shall be delivered to the Clerk and all members of the Board, or a duly appointed committee of the Board, prior to proposing adoption by the Board. The County Attorney shall advise the Board on the legality of each contract prior to approval by the Board.
- 4) Motions. Where action of the Board is required on a matter simply stated, action may be taken by oral motion only.

**3.4** Voting. Votes shall be taken on all motions made and seconded. However, a vote shall be taken if the question is called, unless a member objects, even if a motion to call the question has not been seconded.

**3.5** Roll Call Vote. A voice roll call vote shall be taken at the request of the Chair or any two or more members when such a request is made prior to the taking up of any other business, on any ordinance, or when required by law. \*

*This section amended on March 9, 2021 at the Board of Supervisors meeting.*

**3.6**     Restating the Question; Amending the Motion. If requested by one or more Board members, the Chairperson shall restate the question prior to the taking of a vote, provided, however, that the Chairperson may request that another member restate the question if in his or her opinion that will expedite the decision thereof. Upon the second of a motion, a member may move for an amendment or substitution of the motion for either clarification or substantive change of the motion. A vote shall be taken on the amended or substituted motion. The approved motion shall then be put up for a vote.\*

*\*This section amended on April 14, 2015 at the Annual Board of Supervisors Meeting.*

**3.7**     Unanimous Consent. Where no formal action is required, and no objection is heard, a request of a member shall be deemed a request of the Board without further action, when such a request is made at a meeting with a quorum present, and the Chairperson states that such a request shall be deemed a request of the Board.

**3.8**     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 (even though all members may not be present). If the tie remains unbroken, the Clerk must record the vote and the question shall be recorded as failing to carry.
- 2) If all Supervisors are present when the tie vote first occurs, even if a Supervisor abstains, the Clerk must record the vote and the question shall be recorded as failing to carry.

**3.9**     Reconsideration. If all members are present for a meeting, action may be

reconsidered only upon a motion of a member voting with the prevailing side on the original vote, which motion must be made on the same or immediate subsequent regular meeting. A motion to reconsider may be seconded by any member. If a member was absent for the entire meeting when such action was taken, the absent member may make a motion to reconsider at the immediate subsequent regular meeting or a continuation of the present meeting, whichever next occurs. Action on a question pending reconsideration at the next meeting shall be taken only following notice to all members of the Board given prior to the action being reconsidered, unless such action is taken at the same meeting as the original action. In instances involving the reconsideration of the adoption of an ordinance, notice of the proposed option of a new ordinance shall be given in accordance with law prior to action on the reconsidered question.

#### ARTICLE IV - Order of Business

**4.1** Commencement of Meeting. At 5:00 p.m. for the legislative meeting and at 7:00 p.m. for the second meeting of the month, the presiding officer shall call the meeting to order, provide for the invocation, and direct the Clerk to note the presence or absence of members. A quorum shall be required to commence the meeting at the appointed hour.\*

*\*This section amended January 10, 2012, regular Board of Supervisors meeting.*

**4.2** Agenda. The County Administrator, with guidance from the Chairperson, shall prepare an agenda for each meeting. Any member having matters he or she desires to have considered at the next meeting shall submit these items to the County Administrator for

inclusion in the agenda. \*

*This section amended on March 9, 2021 at the Board of Supervisors meeting.*

**4.3**     Citizens' Time.     There shall be an agenda item known as "Citizens' Time" to allow citizens of Smyth County to address the Board regarding any matter. Any person not a citizen of Smyth County may request through the County Administrator to be placed on the regular agenda. Time limits for citizens time shall follow guidelines prescribed for public hearings in Section 5.2. \*

*This section amended on March 9, 2021 at the Board of Supervisors meeting.*

**4.4**     Order on Agenda.     Without requiring the suspension of the Rules or motion, the Chairperson may call items in the order of business in a different order than the order of business set forth on the agenda, provided that the Board may by adopted motion overrule such a decision by the Chairperson. \*

*This section amended on March 9, 2021 at the Board of Supervisors meeting.*

**4.5**     Minutes.     The Clerk shall keep the minutes of the meetings of the Board. At the request of any member, made at the time of said presentation of discussion, the minutes shall include a summary of the substance of the presentation or debate. The Clerk may also maintain one recording by means of an electronic device of the proceedings of all Board meetings except for Executive Sessions. A copy of the minutes of the transcribed proceedings shall be kept on file in the County Administrator's Office for the general public. Copies of documents or discs of recordings may be purchased under Smyth County's fee

schedule pertaining to the Freedom of Information Act.\*

\* *This section amended on April 14, 2015 at the Annual Board of Supervisors meeting.*

**4.6**     Approval of Minutes. The Clerk or Deputy Clerk shall promptly transcribe the minutes following completion of the meeting and shall submit copies to the County Administrator for distribution on or before the Friday preceding the meeting at which their approval will be on the agenda. Approval of the minutes shall be the next item on each agenda following the invocation, and shall be approved, or corrected and approved without reading.

**4.7**     Matters having to do with Agencies. Matters involving agencies which are not under the administrative supervision of the County Administrator shall not be placed on the agenda or considered by the Board until the affected agency shall have been given a reasonable opportunity to furnish the members of the Board with background information or data on issues which involve these agencies. Such information shall be delivered to the Clerk at least seven (7) days prior to a regular, special, or continued meeting date.

ARTICLE V - Order in Conduct of Business

**5.1**     Persons Addressing the Board. These persons shall limit their presentation to the time allotted by the Chairperson on the agenda, unless the Board, by majority consent, shall extend such time. The Chairperson, in fixing such time, shall take into account the complexity of the matter, its importance in relation to other business of the Board, and time

available on the meeting date sought. Insofar as is practicable, persons addressing the Board shall furnish the Clerk and members of the Board with a written copy of their remarks.

**5.2**     Public Hearings. In instances in which persons address the Board, through the Chairperson, without having first been allotted a specific time on the agenda, they shall limit their remarks as follows, except in extraordinary circumstances:

- 1) Person speaking for him/herself or his/her immediate neighborhood - three (3) minutes.
- 2) Person speaking for an organization whose membership is representative of an entire district - five (5) minutes.
- 3) Person speaking for an organization whose membership is representative of the entire county - ten (10) minutes.
- 4) Unless approved by a majority vote of the Board, no action shall be taken by the Board following a public hearing, and the issue shall be continued until the next regular meeting.

**5.3**     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.

**5.4**     Cumulative or Repetitive Testimony. Cumulative or repetitive testimony shall not be permitted on any matter, and persons of the same position as a previous speaker shall state their name and the positions with which they agree.

**5.5**     Questions. Questions by 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.

**5.6**     Oaths and Affirmations. Oaths and Affirmations may be administered and taken by the Chairperson or person presiding in his stead, when a majority of the Board deems 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.

**5.7**     Discussion and Debate by the Board. Except at the conclusion of a public hearing, discussion and debate by the Board shall be conducted following the presentation of testimony on the item of business pending. Members shall not speak to the item until recognized by the Chair. A member who has spoken to the item shall not again be recognized until each other member desiring to speak shall have an opportunity to speak. Except in matters considered at a public hearing, after the Board shall have acted, any member shall have the right to state a protest against the action, and his reasons therefore, for a time not to exceed two (2) minutes.

ARTICLE VI - Decorum

**6.1**     By Board Members. Decorum 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 manner having a disturbing effect on the conduct of business. Members shall address all remarks to the Chairperson as presiding officer.

**6.2**     By Other Persons. Decorum shall be maintained by the Chair, who may request such assistance as to the Chairperson appears necessary.

- 1) 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 lectern. The order with gavel, if not heeded, will then cause the Sheriff or his designee to carry out the order.
- 2) Persons whose allotted time to speak has expired shall be warned by the presiding officer to conclude in one minute, after which such person shall leave the lectern, unless he is asked by Chairperson to remain to answer questions from the Board.
- 3) No persons in attendance shall be allowed to voice remarks except as recognized by the presiding officer after audibly stating their name and who they represent. Groups in the audience creating an atmosphere detrimental or disturbing the conduct of the meeting will be asked to leave by the presiding officer.

- 4) No person shall bring into the Board Room any sign, banner, or other such item; provided, that models, photos, maps, charts, drawings, and other such demonstrative materials intended for use in a presentation by a specific person shall be permitted. \*

*This section amended on March 9, 2021 at the Board of Supervisors meeting.*

#### ARTICLE VII - Miscellaneous

**7.1** Roberts Rules of Order. The newly revised Roberts Rules of Order shall govern the conduct of all meetings of the Board to the extent that they are not inconsistent with these rules and the laws of the Commonwealth of Virginia. The Clerk shall make available at all meetings a copy of the newly revised Roberts Rules of Order. The failure of the Board to strictly comply with Roberts Rules of Order shall not invalidate any action of the Board.\*

*\*Amended on April 14, 2015 at the Annual Board of Supervisors meeting.*

**7.2** Amendment of the Rules. An amendment of the Rules may be accomplished by a majority vote of the entire membership, provided that such amendment may not be voted upon at any meeting unless the text of the proposed amendment has been presented to at least one previous meeting to which the date for a vote has also been established. Any proposed amendment shall be subject to further amendment at the meeting at which the vote is taken.

**7.3** Suspension of the Rules. Suspension of the Rules may occur whenever the Board shall by a 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 of question not then in accordance with the rules.

7.4 Electronic Participation. The Board of Supervisors of Smyth County hereby adopts the following policy to govern when Board of Supervisors members may electronically participate in a Board of Supervisors meeting remotely:

1. An emergency or personal matter: On or before the day of a meeting, the Member shall notify the Chair of the Board of Supervisors that such Member is unable to attend the meeting due to an emergency or personal matter. The Member must identify with specificity the nature of the emergency or personal matter. A Member may also notify the Chair of the Board of Supervisors that such Member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the Member's physical attendance.
2. A temporary or permanent disability: On or before the day of a meeting, the Member shall notify the Chair of the Board of Supervisors that such Member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the Member's physical presence.
3. A quorum of the Board of Supervisors must be physically assembled at the primary or central meeting location. The Board of Supervisors members physically present must approve the absent Member's participation by a majority vote. The decision shall be made based solely on the criteria in this Resolution, without regard to the identity of the Member or the matters which will be considered or voted on during the meeting.
4. The Clerk shall record in the Board of Supervisors' minutes the specific nature of the

emergency, personal matter, or disability; and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes.

5. Participation by the absent member due to an emergency, personal matter, or disability shall be limited in each calendar year to two (2) meetings or twenty-five (25) percent of the meetings of the Board of Supervisors, whichever is fewer.
6. For any remote participation, the Board of Supervisors shall make arrangements for the voice of the remote participant(s) to be heard by all persons in attendance at the primary or central meeting location.
7. If any provision of this Policy is deemed inconsistent with the provisions of Section 2.2-3708.1 of the Code of Virginia, 1950, as amended, or other applicable law, that provision shall be deemed stricken and the provisions of Section 2.2-3708.1 of the Code of Virginia, 1950, as amended, or other applicable law shall apply.
8. During a disaster and/or a declared state of emergency from the Governor, and it is impracticable or unsafe for a quorum of the Board to assemble in one location, then the Board may conduct its meetings electronically to assure the continuity of its government. (See Va. Code §2.2-3708.2(A)(3), § 44-146.17, §15.2-1413, and §44-146.21). \*

*This section amended on March 9, 2021 at the Board of Supervisors meeting.*

**BE IT RESOLVED BY THE SMYTH COUNTY BOARD OF SUPERVISORS:**

**That the Rules of Procedure for the County of Smyth, Virginia, originally adopted by Resolution on September 9, 2003, is and are hereby amended and adopted as set forth in this resolution. These amendments shall be effective immediately.**

Presented on March 9, 2021 amendments were duly considered and adopted by the Smyth  
County Board of Supervisors on March 9, 2021 the members voting:

AYES: \_\_\_\_

NAYS: \_\_\_\_

ABSENT: \_\_\_\_