

**BY-LAWS
Of the
CUMBERLAND COUNTY, VIRGINIA
PLANNING COMMISSION**

Adopted:
January 13, 2025

ARTICLE I – AUTHORIZATION

- 1.1. This Planning Commission is re-established in conformance with action by the Board of Supervisors of Cumberland, Virginia on September 1, 1989; and in accord with the provisions of Section 15.2-2210, Code of Virginia (1950), as amended.
- 1.2. The official title of this body shall be the Cumberland County Planning Commission, hereinafter referred to as the “Commission.”

ARTICLE II – PURPOSE

- 2.1. The primary purpose of the Commission is to serve in an advisory capacity to the Board of Supervisors by preparing and recommending plans, ordinances, capital improvements program, and other documents to the Board of Supervisors for its consideration.

ARTICLE III – MEMBERSHIP

- 3.1. The Commission shall consist of seven (7) voting members appointed by the Board of Supervisors. All shall be residents of Cumberland County and qualified by knowledge and experience to make decisions on questions of growth and development. At least half of the members shall own real property in Cumberland County. In addition to the seven (7) voting members, the Board of Supervisors may appoint one of its members to serve on the Commission as an ex officio member.
- 3.2. The terms of office for the Board of Supervisors member and the county planner and/or zoning administrator shall be coextensive with their terms of office, or until the Board of Supervisors appoints their replacement. The term of the members shall be for three (3) years. Subsequent members shall be appointed for terms of three (3) years. The Board of Supervisors, at its discretion, may establish different terms of office for initial and subsequent appointments including terms of office concurrent with those of the Board of Supervisors.

- 3.3. Vacancies shall be filled by appointment made by the Board of Supervisors and shall be for an unexpired term only.
- 3.4. Members of the Commission shall be eligible for reappointment.
- 3.5. Planning Commission members shall be encouraged to attend a certified planning commission course within six (6) months of the member's initial appointment.
- 3.6. Members of the Commission shall attempt to attend all meetings and shall not be absent from more than one-third of the total Commission meetings during any calendar year without just cause. A letter from the Secretary to the member shall be sent after any member is absent for more than one-third of the total Commission meetings during any calendar year or is absent from three consecutive regular meetings. Any such letter shall provide the member with a warning that further absences may be deemed to constitute malfeasance in office and may result in his or her removal from the Planning Commission by the Board of Supervisors.
- 3.7. In addition to the reasons set forth in Sec. 3.6, members may be removed by the Board of Supervisors for any other acts of malfeasance in office.
- 3.8. Terms of the Commission members shall expire immediately before the beginning of the regular meeting at which time their successors' terms of office begin.
- 3.9. Members of the Planning Commission shall be compensated according to amount set by the Board of Supervisors.

ARTICLE IV – SELECTION OF OFFICERS

- 4.1. Officers of the Commission shall consist of a chairman, vice-chairman and secretary. The chairman and the vice-chairman shall be elected by the membership. The county planner and/or zoning administrator will be appointed to serve as the secretary to the Planning Commission without voting privileges.
- 4.2. Nomination of officers shall be made from the floor at the January meeting each year. Election of officers shall follow immediately. A candidate receiving a majority vote of the membership present and voting shall be declared elected.
- 4.3. Vacancies shall be filled for an unexpired term by a majority vote of the Commission.

ARTICLE V – DUTIES OF OFFICERS

5.1 The chairman shall:

- 5.1.1. Preside at meetings of the Planning Commission.
- 5.1.2. Appoint committees.
- 5.1.3. Rule on procedural questions (subject to reversal by a two-thirds vote of the members present).
- 5.1.4. Report official communications at the next regular Commission meeting.
- 5.1.5. Certify official documents involving the authority of the Commission.
- 5.1.6. Certify minutes as true and correct copies.
- 5.1.7. Carry out other duties as assigned by the Commission.

5.2 The vice-chairman shall:

- 5.2.1. Assume the full powers of the chairman in the absence of inability of the chairman to act.
- 5.2.2. Carry out other duties as assigned by the Commission.

5.3 The secretary shall:

- 5.3.1. Notify members of all meetings.
- 5.3.2. Give notice and be responsible for publishing public notices of all Commission public hearings and public meetings.
- 5.3.3. Attend to the correspondence necessary for the execution of the duties and functions of the Commission.
- 5.3.4. Record attendance at all meetings.
- 5.3.5. Record the minutes of the Commission meetings.
- 5.3.6. Maintain a file of all official Commission records and reports.
- 5.3.7. Certify maps, records, and reports of the Commission.
- 5.3.8. Carry out other duties as assigned by the Commission.

ARTICLE VI – COMMITTEES

6.1 The following committees may be appointed at the discretion of the chairman.

- 6.1.1. *Comprehensive Plan Committee* – develops, updates, and revises the comprehensive plan and coordinates the work of other committees that is related to the plan development.
- 6.1.2. *Ordinance Committee* – at the request of the Board of Supervisors, studies, reviews and makes recommendations on issues affecting the County.

- 6.1.3. *Zoning and Mapping Committee* – drafts zoning ordinance and subsequent amendments. Reviews applications for rezoning, special exceptions or conditional use permits and makes recommendations to the Commission. Prepares and maintains an inventory of land uses within Cumberland County and is responsible for the preparation of land use maps. Drafts subdivision regulations and subsequent amendments. Examines subdivision applications and makes recommendations to the Commission after reviewing staff comments.
 - 6.1.4. *Capital Improvements Committee* – prepares and annually updates a capital improvements program (CIP) in conjunction with Cumberland County administrative officials. Assures that the CIP is in conformance with the comprehensive plan.
- 6.2 Special Committees may be appointed by the chairman for purposes and terms approved by the Commission.
- 6.2.1. Committee meetings shall follow the same protocol as a regular meeting.
 - 6.2.2. Citizen input shall be allowed in all committee meetings but shall not exceed the time limit set by the committee chairman.
 - 6.2.3. Citizens can be appointed to subcommittees to work on special projects by the Planning Commission members serving on various committees. The subcommittee shall act in an advisory capacity to the committee that selected them. At least one Planning Commission member shall serve on the subcommittee.
 - 6.2.4. Citizens do not vote with the committee in an issue to go before the Planning Commission.

ARTICLE VII – MEETINGS

- 7.1. Regular meeting date and times of the Commission shall be established for the coming year at the Commission’s first meeting held in January. Special meetings shall be called as needed. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless the Commission selects an alternate day.
- 7.2. Special meetings may be called by the chairman or by two members upon written request to the secretary. The secretary shall notify the members by electronic mail or by phone, at least five days before a special meeting, stating the time, place and purpose of the meeting.
- 7.3. All meetings of the Commission shall be open to the public.
- 7.4. Individuals of the public desiring to speak during the general public comment period must first provide their identifying information on a signup

sheet. Only residents of Cumberland County or individuals owning real property in Cumberland County are permitted to speak during the general public comment period.

ARTICLE VIII – VOTING

- 8.1. A majority of the members shall constitute a quorum.
- 8.2. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.
- 8.3. Members from the Board of Supervisors and the administrative branch shall serve as non-voting members.
- 8.4. Chairman shall vote on all matters before the Commission as appropriate.

ARTICLE IX – ORDER OF BUSINESS

- 9.1 The order of business for a regular meeting shall be:
 - 9.1.1 Call to order
 - 9.1.2 Recording of roll
 - 9.1.3 Determination of a quorum
 - 9.1.4 Approval of Agenda
 - 9.1.5 Presentation of invited speaker
 - 9.1.6 Approval of minutes
 - 9.1.7 Requests to set Public Hearings
 - 9.1.8 Public Hearings (when necessary)
 - 9.1.9 Report of standing committees
 - 9.1.10 Report of special committees
 - 9.1.11 Old business
 - 9.1.12 New business
 - 9.1.13 General public comment (items not pertaining to a public hearing matter, up to, but not more than three minutes per person, and a maximum of thirty minutes total. This timeframe can be extended an additional 30 minutes at the discretion of the Chairman.)
 - 9.1.14 Announcements and remarks by the commissioners
 - 9.1.15 Adjournment

The failure to adhere to the foregoing order of business shall not invalidate an action or recommendation of the Planning Commission.

- 9.2 The latest edition of Robert's Rules of Order shall be used as a guideline to govern the parliamentary procedure of Commission meetings; provided, however, the failure to adhere to the parliamentary procedure set forth in

Robert's Rules of Order shall not invalidate an otherwise valid action or recommendation of the Planning Commission.

- 9.3 The Commission shall keep minutes of each meeting, and after approval, these minutes shall become a public record. The secretary and the chairman shall sign all minutes.

ARTICLE X – PUBLIC HEARINGS

- 10.1. In addition to those required by law, the Commission may hold public hearings on any matter, which it deems to be in the public interest.
- 10.2. Notice of a public hearing shall follow § 15.2-2204 of the Code of Virginia.
- 10.3. Individuals of the public wishing to speak during a public hearing must first provide their identifying information on a signup sheet. Only residents of Cumberland County or individuals owning real property in Cumberland County are permitted to speak at any public hearing.
- 10.4. The chairman shall summarize the matter before the Commission, allow technical presentations by qualified persons or firms and allow interested citizens to speak. Time allowance will be at the discretion of the chairman. The chairman will accept written statements and other documentation pertinent to the matter being addressed; however, the chairman may recognize someone that has arrived late.
- 10.5. An accurate, written record shall be made of the proceedings of a public hearing, approved by the Commission and maintained as part of the Commission files.

ARTICLE XI – AMENDMENTS

- 11.1. These By-Laws may be amended by a majority vote of the entire membership after seven (7) days prior to notice.