

SMITHFIELD PLANNING COMMISSION BYLAWS

ARTICLE 1 - OBJECTIVES

1. This Commission, established in conformance with the zoning ordinance adopted by the Town Council of Smithfield, Virginia (hereinafter known as "Council") on the 1st day of September, 1998, and as amended thereafter, has adopted these Bylaws in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Chapter 22, Article 2, of the *Code of Virginia*.
2. The official title of this Commission shall be the "Smithfield Planning Commission" (hereinafter known as "Commission").

ARTICLE 2 - MEMBERS

1. The Commission shall consist of **at least** seven (7) members, **but not more than eight (8) members** (hereinafter known as "Commissioner(s)"). One Commissioner shall be a member of the Council and one Commissioner shall be from the Smithfield Board of Historic and Architectural Review. The remaining five (5) **or six (6)** members shall be referred to as appointed Commissioners. All members shall be residents of the Town and at least half of the members shall be owners of real property.
2. The term of the Commissioners from the Council and the Smithfield Board of Historic and Architectural Review shall correspond to their respective terms of office. Term of office for appointed Commissioners shall be four (4) years. Should a Commissioner be unable to complete his/her term, a successor shall be appointed by Council to fulfill the unexpired time of said appointment.
3. All Commissioners shall serve with compensation as determined by Council. Compensation for expenses of Commissioners, necessary to perform their duties of office, shall be appropriated by Council.
4. A Commissioner may be removed by Council for the following reasons: three (3) unexcused absences during a calendar year, neglect of duty, inability to perform duties, or malfeasance in office. Such removal may be made only after a joint hearing by Council and Commission. The hearing will be announced, but may be held in private chambers. Said Commissioner will be given an opportunity to appear and be heard on the charges.

ARTICLE 3 - OFFICERS AND THEIR SELECTION

1. Officers of the Commission shall consist of a Chairperson and Vice-Chairperson. The Community Development and Planning Director or an agent for the Town of Smithfield shall be the Clerk of the Commission without vote.

2. Election of Chairperson and Vice-Chairperson shall be held annually during the regular January Commission meeting. Nominations shall be made from the floor and elections shall follow. The candidate receiving a majority of the vote of the Commission will be declared elected and take office immediately to serve for one (1) year or until a successor takes office. Vacancies in office shall be filled immediately by regular election procedures.

ARTICLE 4 - DUTIES OF OFFICERS

1. The Commission Chairperson shall:
 - a. Preside at all meetings.
 - b. Repealed 2020-11-10.
 - c. Rule on all procedural questions (subject to a reversal by a majority vote of the members present).
 - d. Carry out other duties assigned by Council or the Commission.
 - e. Sign all minutes approved by the Commission.
2. The Commission Vice-Chairperson shall serve with the same power and authority of the Chairperson in the absence or inability of the Chairperson to act.
3. The Commission shall:
 - a. Exercise general supervision of, and make regulations for, the administration of its affairs.
 - b. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body.
 - c. If deemed advisable, establish an advisory committee or committees.
 - d. All other duties assigned pursuant to §15.2-2221 of the *Code of Virginia*.

ARTICLE 5 - DUTIES OF THE CLERK

1. The Community Development and Planning Director or an agent for the Town of Smithfield shall be the Clerk of the Commission.
2. The Clerk shall:
 - a. Keep a written record of all business transacted by the Commission.
 - b. Notify Commissioners of all meetings.
 - c. Keep a file of all official reports and records of the Commission.
 - d. Certify all maps, records, and reports of the Commission.
 - e. Prepare all Public Hearing advertisements and be responsible for their timely publishing.
 - f. Attend to the correspondence of the Commission.
 - g. Repealed 2020-11-10.
 - h. Prepare meeting agendas formatted to address:

- (1) Pledge of Allegiance to the Flag of the United States of America.
- (2) Commission Chairperson comments.
- (3) Summary of previous Council meetings.
- (4) Council comments on Commission matters.
- (5) Scheduled meetings or events of Commission interest.
- (6) Scheduled Commission business.
- (7) Commissioner comments on Commission business- (open floor: Chairperson addresses each Commissioner for comments-).
- (8) New business.
- (9) Provide a cumulative calendar year listing of all zoning violations issued and action taken to resolve the violations.
- (10) Approval of previous Commission business or minutes.

ARTICLE 6 - MEETINGS

1. Regular meetings of the Commission shall be held on the second Tuesday of each month at 6:30 p.m. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the Commission.
2. Special meetings shall be called in accordance with §15.2-2214 of the *Code of Virginia*, as amended, which states that special meetings of the Commission may be called by the Chairperson or by two (2) Commissioners upon written request to the Clerk. The Clerk shall mail or deliver to all Commissioners a written notice of the meeting time, place, and purpose, at least five (5) days prior to the meeting. Written notice of a special meeting is not required if the time of the special meeting has been set at a regular meeting.
3. A majority of Commissioners shall constitute a quorum. The number of votes necessary to transact business shall be a majority of the Commissioners present. A record of all Commissioners' votes shall be kept as a part of the minutes.

ARTICLE 7 - PROCEDURE

1. Parliamentary procedure in Commission meetings shall be governed by the adopted rules of order, namely, *Robert's Rules of Order*.
2. Motions shall be restated before any and all votes are taken. Names of Commissioners making and seconding motions shall be recorded by the Clerk.
3. The Clerk of the Commission shall keep a set of approved minutes of all meetings, which shall become a public record.

ARTICLE 8 - PUBLIC HEARINGS

1. When deemed to be in the public interest, the Commission, may elect to hold public hearings in addition to those required by law.
2. Notice of public hearings shall be disseminated in accordance with the requirements of §15.2-2204 of the *Code of Virginia*, as amended, which includes the requirement that notice be published in a newspaper of general circulation in the area at least five (5) days but not more than twenty-one (21) days before the time of the public hearing.
3. The case before the Commission shall be summarized by the Chairperson, Community Development and Planning Director, or others directed by the Chairperson. Interested parties shall have the privilege of the floor for periods of time as determined by the Chairperson. Records or statements may be recorded (or sworn to) as evidence for any court of law. Discussion at public hearings will be limited to the subject or subjects included in the public notice.
4. A record shall be kept by the Clerk of those speaking at the public hearing before the Commission.

ARTICLE 9 - AMENDMENTS

1. These rules may be changed or amended by a majority vote of all Commissioners.

CERTIFICATE

These bylaws were amended by the Commission on the 14th day of February, 2023, and repeal all bylaws and their amendments previously enacted by the Commission.

, Chairperson