

**BOARD OF SUPERVISORS  
BUSINESS MEETING  
ACTION ITEM**

**SUBJECT:** **Proposed Amendments to the Board of Supervisors  
Rules of Order – Hearing of New Items and Returning  
Items Ready for Action**

**2011 ELECTION DISTRICT(S):** Countywide

**2022 ELECTION DISTRICT(S):** Countywide

**CRITICAL ACTION DATE:** At the pleasure of the Board

**STAFF CONTACT(S):** Erin McLellan, County Administration  
Courtney Sydnor, Office of the County Attorney

**PURPOSE:** The purpose of this item is to propose additional revisions to the Board of Supervisors (Board) current Rules of Order (Rules) to address changes in Public Hearing notice requirements for ordinances and land use applications (see [HB2161](#) and [SB1151](#)). The proposed changes to the Rules, which the Board approved (9-0) on June 20, 2023, treat all Public Hearing items similarly in order to both streamline the process for the Board, the public, applicants, and staff, as well as to promote consistency in process. During that discussion, the Board requested that staff return with additional detail in the rules concerning Public Hearing items that have been forwarded from a previous Public Hearing and are included in the agenda as “Hearing of Returning Items Ready for Action”.

**RECOMMENDATION(S):** Staff recommends that the Board adopt amendments to the Rules of Order found in Attachment 1 to the July 5, 2023, Board of Supervisors Business Meeting Action Item, to clarify guidelines for “Hearing of Returning Items Ready for Action”.

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**BACKGROUND:** During the 2023 General Assembly session, amendments were adopted that modify the Public Hearing notice requirements for ordinances and land use applications. These amendments are primarily found in HB2161 and SB1151, linked to above. The revised notice change requires notices be published “no more than 14 days” before the “intended adoption” or “passage” of the land use application or ordinance. The provisions are effective as of July 1, 2023.

These two bills modified Code of Virginia statutes 15.2-1427(F)<sup>1</sup> and 15.2-2204(A)<sup>2</sup>, respectively, and which read as follows (highlights and emphasis added):

15.2-1427(F) (applies to Codified Ordinances):

In counties, except as otherwise authorized by law, no ordinance shall be passed until after descriptive notice of an intention to propose the ordinance for passage has been published once a week for two successive weeks, *with the first notice appearing no more than 14 days* prior to ~~its~~ *the* passage *of the ordinance*, in a newspaper having a general circulation in the county. The second publication shall not be sooner than one calendar week after the first publication. The publication shall include a statement either that the publication contains the full text of the ordinance or that a copy of the full text of the ordinance is on file in the clerk's office of the circuit court of the county or in the office of the county administrator; or in the case of any county organized under the form of government set out in Chapter 5, 7 or 8 of this title, a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the county board. Even if the publication contains the full text of the ordinance, a complete copy shall be available for public inspection in the offices named herein.

15.2-2204(A) (applies to zoning/subdivision ordinances and legislative land use applications):

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality, *with the first notice appearing no more than 14 days before the intended adoption*; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, ~~not less than five days nor more than 21 days after the second advertisement appears in such newspaper~~. The local planning commission and governing body may hold a joint public hearing after public notice as set forth in this subsection. If a joint hearing is held, then public notice as set forth in this subsection need be given only by the governing body. As used in this subsection, "two successive weeks" means that such notice shall be published at least twice in such newspaper, with not less than six days elapsing between the first and second publication. In any instance in which a locality has submitted a correct and timely notice request to such newspaper and the newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the notice requirements of this subsection so long as the notice was published in the next available edition of a newspaper having general circulation in the locality. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

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<sup>1</sup> [Code of Virginia 15.2-1427](#); Adoption of certain ordinances and resolutions generally, amending or repealing ordinances.

<sup>2</sup> [Code of Virginia 15.2-2204](#): Advertisement of plans, ordinances, etc; joint public hearings, written notice of certain amendments

**ISSUES:** To accommodate items returning to Public Hearing, staff added a third section to the Public Hearing Agenda to be called “Hearing of Returning Items Ready for Action”. Items that have already been to Public Hearing once and are referred to another Public Hearing from either the initial Public Hearing or a Standing Committee will appear in this section of the Public Hearing Agenda.

During discussion of the Rules of Order changes to accommodate the change in advertising requirements, the Board directed staff to alter the Rules of Order to clearly state that when an item is forwarded to a second Public Hearing and listed under “Hearing of Returning Items Ready for Action”, the Applicant (if there is one) will not be afforded a presentation during the meeting. The Board’s discussion indicated that the applicant will have been given sufficient presentation time during the first Public Hearing and therefore should not require additional presentation time. Staff has reflected this change in Section XVII.B.b. Additionally, delineations between New Items and Returning Items are also noted throughout the Public Hearing section.

Staff also revised Section XVII.A to include standard language regarding speakers’ comments, debate and decorum during public input at Board Business Meetings that previously existed in the Public Hearing section of the Rules of Order but were not clearly stated in the Business Meeting section of the document. This is an administrative change as the wording was simply duplicated as it applies generally to all types of public input the Board receives.

**FISCAL IMPACT:** There is no fiscal impact to implement the proposed Rules changes.

**ALTERNATIVES:**

1. The Board may choose to adopt the amendments to the Rules of Order as described in this action item.
2. The Board may choose to modify the staff recommended proposed amendments to the Rules of Order as described in this action item.
3. The Board may choose not to accept the proposed amendments to the Rules of Order and direct staff on how to proceed.

**DRAFT MOTIONS:**

1. I move that the Board of Supervisors adopt amendments to the Rules of Order found in Attachment 1 to the July 5, 2023, Board of Supervisors Business Meeting Action Item, to clarify guidelines “Hearing of Returning Items Ready for Action”.

OR

2. I move an alternate motion.

**ATTACHMENT(S):**

1. Proposed Amendments to the Board of Supervisors Rules of Order (Redline)

**RULES OF ORDER  
BOARD OF SUPERVISORS  
LOUDOUN COUNTY, VIRGINIA**

**I. Business Meetings and Public Hearings**

- A. Business meetings will be held on the first and third Tuesday of each month at 4:00 p.m.
- B. A time for public input will be included on the agenda of the Board of Supervisors (Board) business meetings starting as early as 6:00 p.m. Public input for the 6:00 p.m. public input session shall be limited to a one and a half (1 ½) hour time period. The order of and the number of speakers will be determined on first call in/register, first speak basis. Speakers will be given up to two and a half (2 ½) minutes each to speak. Modifications to speaker order and public input time may be made at the discretion of the Chair. During the public comment period, Board Members shall give their full time, attention, and due respect to the speaker.
- C. At the second Board business meeting of the month, an additional time for public input will be included on the agenda starting as early as 5:00 p.m. The additional public input time will be limited to a total of 20 minutes for up to 8 speakers who will be given up to two and a half (2 ½) minutes each and who must have signed-up in advance by 5:00 p.m. the day prior to the meeting. These speakers are not permitted to speak again in the 6:00 p.m. session at the same meeting. Modifications to speaker order and public input time may be made at the discretion of the Chair. During the public comment period, Board Members shall give their full time, attention, and due respect to the speaker.
- D. Public input may be provided by electronic means at Board business meetings. No more than half of the total allotted time for speakers may be used for electronic public input, per session; up to 10 minutes (or no more than 4 speakers) in the 5:00 p.m. session and up to 45 minutes (or no more than 18 speakers) in the 6:00 p.m. session. Members of the public who wish to provide electronic public input in the 5:00 p.m. session must have signed-up in advance by 5:00 p.m. the day prior to the meeting. Members of the public who wish to provide electronic public input in the 6:00 p.m. session must have signed up in advance by noon the day of the meeting.
- E. Public hearings will be held on the Wednesday during the week following the first business meeting of the month at 6:00 p.m.
- F. Public input may be provided by electronic means at Board public hearings. Public input at public hearings will be accommodated without advance sign-up during the hearing, however, members of the public are strongly encouraged to sign up for electronic public input in advance of the hearing. Information on how to access the electronic input component of the public hearing will be made available in advance of and during the hearing.
- G. The Board may provide for special and additional meetings or public hearings, and all regular, special, and additional meetings or public hearings shall be in accordance with applicable provisions of the Code of Virginia with regard to public notice. The Chair

may schedule Committee of the Whole work sessions at which the Board does not take final action on any item or matter of business. In accordance with Va. Code Section 15.2-1418, the Chair or two or more Members may call a special meeting.

- H. Meetings will be held in the County Government Center, Board Room (First Floor), 1 Harrison Street, S.E., Leesburg, VA and may be held at other locations as determined by the Board. Meeting days and times may change due to holidays and inclement weather. In cases of inclement weather, the Chair in consultation with the County Administrator may postpone scheduled Board business meetings and public hearings. The Chair in consultation with standing committee Chairs and County Administrator may postpone scheduled Board standing committee meetings.
- I. In accordance with Va. Code Section 15.2-1416, if the Chair, or Vice Chair in the absence of the Chair, finds and declares that weather or other conditions are such that it is hazardous for Board Members to attend a regular business meeting, the business meeting shall be continued to the next regularly scheduled business meeting of the Board. Such finding shall be communicated to the Board Members and the public as promptly as possible. All matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.
- J. In accordance with Va. Code §§ 2.2-3708.2 and 2.2-3708.3, the Board may meet by electronic means without a physical quorum present when the Governor has declared a state of emergency in accordance with § 44-146.17 or the County has declared a local state of emergency pursuant to § 44-146.21, provided that the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and the purpose of the meeting is to provide for the continuity of operations of the Board or the discharge of its lawful purposes, duties, and responsibilities. Notice and the conduct of such meetings shall occur in accordance with the requirements of Va. Code §§ 2.2-3708.2 and 2.2-3708.3.
- K. No Board business meetings, public hearings, or standing committee meetings will be scheduled during the month of August except in case of emergencies or when timely action is needed. All efforts will be made to avoid holding Board meetings and public hearings on religious holidays.
- L. All cell phones, pagers, and other electronic devices shall be set on silent mode while in the Board Room. If approaching the podium or a microphone, please turn off all cell phones or leave them in the seating area.
- M. Smoking is not permitted in the County Government Center.
- N. If any member of the public requires a reasonable accommodation for any type of disability in order to participate in a public meeting, please contact the Office of the County Administrator at 703-777-0200/TTY-711. At least one business day of advance notice is requested; some accommodations may require more than one day of notice.
- O. At Board business meetings, after 12:00 am, midnight, the Board shall promptly conclude the item in front of it and adjourn the meeting, unless the Board votes to suspend the Rules and continue the meeting.

## **II. Order of Business at Regular Meetings**

- A. The order of business at the Board business meeting shall be set out by the Chair in the printed agenda and shall include, but not be limited to, the following items:
- I.** Call to Order
  - II.** Pledge of Allegiance/Invocation/Words of Inspiration
  - III.** Adoption of Consent Agenda
  - IV.** Requests for Additions/Deletions to the Agenda
  - V.** Chair's Organizational Updates and Voice for a Cause
  - VI.** Administrator's Comments
  - VII.** Presentation of Ceremonial Resolutions (to start as early as 5:30 p.m.)
  - VIII.** Public Input (to start as early as 6:00 p.m.) (limited to a one and a half hour time period)
  - IX.** Board Comment, Regional Updates, and Disclosures (to follow public input) (5 minutes per Member)
  - X.** Information Items
  - XI.** Action Items & Board Standing Committee Reports
  - XII.** Closed Session (As needed, the agenda will identify the purpose)
- (An additional time of Public Input will be shown at the beginning of the agenda of the second business meeting each month)
- B. The order of business at public hearings of the Board shall be set out by the Chair in the printed agenda and shall be limited to the following:
- I.** Call to Order
  - II.** Adoption of the Consolidated Agenda Items
  - III.** Hearing of New Items in Order as set by the agenda
  - IV.** Hearing of Returning Items Ready for Action as set by the agenda

## **III. Duties of the Chair and Vice-Chair**

The Chair shall preside at business meetings, committees of the whole meetings, and public hearings, call the same to order, enforce these Rules of Order (Rules), and enforce all time limits imposed by the Rules.

- A. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair.
- B. In the absence of both the Chair and Vice-Chair from a business meeting or public hearing, the following "Chain of Command" shall apply: Chair, Finance/Government Operations and Economic Development Committee; Chair, Transportation and Land Use Committee.
- C. The Chair shall decide all questions of order, subject to an appeal from any Member, on which appeal no Member shall speak more than once, unless by unanimous consent of the Board.
- D. The Chair shall be responsible for preparation of the Board agenda for each meeting or hearing of the Board, in consultation with the members of the Board and the County Administrator and shall lay the order of business before the Board in a parliamentary order. Inclusion on the agenda brings items to the table for discussion.

- E. The Chair shall nominate the standing committees and the committee Chair, subject to the approval by the full Board. The Chair shall nominate regional appointments subject to approval by the full Board.
- F. In urgent, but non-emergency situations, where the Chair and Vice-Chair are not available, the following is the "Chain of Command" which shall apply until a temporary Chair can be elected to perform official and ceremonial functions:
  - 1. Chair, Finance/Government Operations and Economic Development Committee
  - 2. Chair, Transportation and Land Use Committee
- G. In the event of a Countywide emergency or when the Emergency Operations Center (EOC) is activated, the County Administrator, in his role as Director of Emergency Management, will consult with Board Members in the following order of priority:
  - 1. Chair
  - 2. Vice-Chair
  - 3. Chair, Finance/Government Operations and Economic Development Committee
  - 4. Chair, Transportation and Land Use Committee

No provision in these Rules shall preclude Board Members from being notified and updated in accordance with the Loudoun County Emergency Operations Plan (EOP) during a Countywide emergency.

**IV. General Rules Governing Placing Items on the Board Agenda and Establishing the Consent Agenda**

- A. Board Members shall receive enough advance notice of agenda items and are given ample time to study the items, request and receive additional information from staff, and consult constituents prior to meetings of the Board.
- B. The tentative agenda for Board meetings and the Consent Agenda shall be set by the Board Chair approximately two weeks prior to a regularly scheduled Board meeting.
- C. A copy of the tentative agenda shall be emailed to each Board Member's selected email address by 5:30 p.m. Friday (approximately 11 days prior to the meeting).
- D. Staff shall be responsible for notifying Board Members of new agenda items, both Action and Information Items for full Board and standing committees when items are added after the distribution of the tentative agenda.
- E. Agenda items may be placed on the agenda by staff or individual Board Members, only with approval of the Board Chair or three other Board Members and in one of the following ways:
  - 1. Staff may refer matters to Board standing committees in consultation with the Board Chair and standing committee Chair. (All Board Members, whether a member of a particular standing committee or not, shall receive prior notification of the agenda for all standing committee meetings in the packet delivered to Board Members.)
  - 2. Action Items may be brought to the Board in the normal course of conducting Board business through the public hearing or standing committee process.



3. Staff or Board Members may request the Board Chair to place an item on the agenda. Such requests shall be made prior to the pre-agenda meeting which generally occurs two weeks prior to a business meeting. No item shall be placed on the Board's agenda without prior notification of the Board Chair, and in accordance with notification requirements above.
4. Resolutions and Proclamations can be placed on the Board agenda only by a Member of the Board. If a County agency or non-profit organization would like to have such an action considered by the Board, they must contact a Board Member for sponsorship. Due to the nature and purpose of Board Resolutions, they should not be controversial, and it is preferable that all resolutions be approved by a unanimous vote from the dais. Board Members shall notify County staff of such Resolutions for the agenda two weeks prior to the Board meeting. To the extent possible, Board Members are encouraged to present Resolutions at appropriate venues, such as locations meaningful to the organization or individual receiving recognition, other than at the County Government Center during Board business meetings.
5. After the Tentative Agenda has been set by the Board Chair, no new items may be added to the printed agenda, except:
  - a. Old items, of which Board Members are already aware, on which staff work has been completed.
  - b. Routine housekeeping items such as implementing a change in state law or an authorized budget item.
  - c. Emergency items, which are deemed those items that need Board action prior to the next regularly scheduled business meeting.
  - d. Standing committee items, provided such items, including a complete staff report, can be included in the Board packet.
  - e. After receipt of the tentative agenda, any Board Member may recommend adding items to the agenda by informing the Chair by close of business a week before the meeting, provided such items can be placed in the Board packet.
  - f. Any items requested through Rules (a), (b), (c), (d) and (e) above are subject to approval by the Board Chair.
6. Staff and Board Members may request amendments to the agenda during a regular meeting during the portion designated "Additions/Deletions" to the agenda. Only the following actions may be taken on any new items offered as an amendment to the agenda at the Board meeting:
  - a. Referral to a standing committee.
  - b. Referral to a future Board meeting for action.
  - c. Direction to staff to provide further information.

In the event such an amendment requires immediate action, the Board may take action at the same meeting during which it is introduced, only after suspension of

the Rules. For purposes of this subsection, the following are not considered new items:

- a. An item brought up for reconsideration.
- b. An item reported out of a standing committee after the agenda was published.

F. Require timely and complete availability of agenda documentation to the public.

1. All meeting item documentation for both Board and standing committee items (both paper versions and online versions) must be made available to the public no later than the day of or after the packet distribution prior to the Board meeting or public hearing.
2. All meeting item documentation (including attachments) received by Board Members in their packets for any item must be made available to the public in both paper format and electronically.
3. Any item which fails to meet the requirements of either (a) or (b) may be deferred to the next Board business meeting.

(\*\*During an emergency situation where the information had not been posted on the County website due to technical or other reasons within twenty-four hours, the item could be dealt with by a Board motion to suspend the Rules.)

G. Consent Agenda

1. The Consent Agenda is a group of actions on which there is unanimous agreement of the Members so that they may be voted on as a block. The Consent Agenda is proposed by the Board Chair.
2. Board Members are to be notified of the Proposed Consent Agenda in their packet prior to a Board Meeting.
3. Any Board Members may ask that any item on the Consent Agenda be separated from the block. Such items are then considered during the meeting as scheduled on the published agenda.

H. Notification of the Public of the Board's Agenda

When Board packets are furnished to the Members, a copy of the agenda and the packet shall be made available for review by the public in the County Administrator's Office. Agenda packets are to be available by close of business Friday of the week prior to the Board business meeting, except in circumstances when the next Board business meeting is on a Tuesday and the Loudoun County Government is scheduled to be closed on the Monday before the Board business meeting. In these circumstances the packets will be available by close of business Thursday of the week prior to the Board business meeting.

V. **Board Comment, Regional Updates, and Disclosures**

At each regular business meeting an item will be included on the agenda for "Board Comments." At that time, each Board Member shall have up to five minutes to make comments of general interest on matters such as public issues, community events, or milestones, report on recently attended regional meetings and provide disclosures regarding matters of public record. With the consent of the Board, the Chair may delete or

reduce the time for Board Comment in the event the time for the Board to conduct its business is constrained or the agenda is unusually lengthy. Board Comment will take place immediately following the 6:00 p.m. Public Input session, unless otherwise moved on the agenda by the Chair without objection by any Board Member.

**VI. Closed Session: 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.

**VII. Debate**

- A. For Action Items on the Board's agenda, the Member beginning the item shall to the absolute greatest extent possible, open the discussion with a motion. When any Member desires to speak or deliver any matter to the Board, the Member shall respectfully address the Chair, and on being recognized by the Chair, may address the Board, and shall confine his/her comments to those questions under debate.
- B. All comments, criticisms, etc., will be addressed to the Chair. Cross debate between Members will be conducted through the Chair. All matters of discussion, debate, or questions to staff shall be timed, and each Member shall be given three minutes (whether a formal motion has been made or not). Responses by staff to questions will be counted against the time allotted for a Member's comments. To the greatest extent possible, Members should reserve their time for questions that have not been answered clearly in writing in the Board's packet or in advance by staff.
- C. When two or more Members seek recognition at the same time, the Chair shall name the Member who is to speak first.
- D. The Member reporting a measure under consideration from a standing committee may open and close debate.
- E. During regular Board business meetings, Board deliberations will be held among Board Members unless the Board consents to invite other participants.
- F. Participation during Board discussion by members of the public, interested parties or applicants may be permitted only upon approval of a two-thirds majority vote of Board Members present and voting.
- G. Following all debate and when the motion is brought to a vote, the Chair will proceed with a roll call vote if requested by a Board Member and seconded by another.
- H. During debate, Board Members should strive to remain in the room until the vote has been taken.

**VIII. Motions and Their Precedence**

- A. Every motion made to the Board and entertained by the Chair shall be reduced to writing on the demand of any Member and shall be entered in the Minutes with the name of the Member making it.
- B. When a motion has been made, the Chair shall state it, or (if it be in writing) cause it to be read aloud before being debated, and it shall then be in possession of the Board but may be withdrawn at any time before a decision or amendment.
- C. A motion to object to consideration of a question must be made prior to the Board's entering into discussion on the question.
- D. When a question is under debate, no motion shall be received by the Chair but:
  - 1. To adjourn.
  - 2. To adjourn to a day certain or when the Board adjourns, it shall be to a day certain.
  - 3. To take a recess.
  - 4. To proceed to the consideration of other business.
  - 5. To lay on the table.
  - 6. To postpone indefinitely.
  - 7. To postpone to a day certain.
  - 8. To call for the orders of the day.
  - 9. To commit to a standing committee of the Board.
  - 10. To amend.
- E. If in the judgment of the Chair a motion to amend or to substitute is essentially the opposite of the motion on the floor, then it shall be out of order.
- F. Rulings of the Chair may be overturned by a majority of the Members present and voting.

**IX. Previous Question**

There shall be a motion for the previous question which shall have the effect to cut off debate and bring the Board to a direct vote upon the immediate question on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the Rules, or an amendment or amendments, or may be made to embrace all motions and include the pending measure to its passage or rejection. It shall be in order, pending the motion for the previous question or after the previous question shall have been ordered on passage of a measure, for the Chair to entertain and to submit to the Board a motion to commit, with or without instructions, to a standing committee.

**X. Reconsideration**

When a question has been decided by the Board, it shall be in order for any Member voting with the prevailing side or who has not voted on the question, to offer a motion for reconsideration thereof during the same meeting or succeeding business meeting, and such motion shall take precedence of all other questions except a motion to adjourn.

**XI. Amendments and Motions**

- A. To the extent possible, any alternative or substitute motion to a motion in the Board packet shall be put in writing and distributed to Board members no later than noon the day of the Board meeting. To the extent practicable, any such alternative or substitute motion shall be run past the County Administrator and County Attorney. Any motion or amendment derived from Board discussion shall, at the request of any Board member, be put in writing.
- B. The maker of the motion will be allowed three minutes for justification. Member comments will have a limit of a total of three minutes per Member. No Member other than the maker of the motion will be allowed to speak more than once. The maker of the motion shall be given three minutes for closing comments.
- C. In the event a Member, including the maker, believes that an item warrants further discussion than allowed under paragraph B, that Member may move the Board to dissolve into a committee of the whole for further discussion.
- D. Any motion, amendment, or resolution may be withdrawn or modified by the mover at any time before a decision, amendment or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.
- E. When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall be in order to offer a further amendment in the nature of a substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected.
- F. On amendments, the maker is allowed three minutes to speak to justification. Members may have three minutes each to respond to the amendment.
- G. Maker of original motion may reserve his/her time to close debate.
- H. Votes will be taken on amendments as they are brought up.
- I. When an amendment proposed to any pending measure is laid on the table, it shall not carry with it, or prejudice, such measure.
- J. It shall not be in order to consider any proposed standing committee amendment which contains any significant matter not within the jurisdiction of the standing committee proposing such amendment, unless determined proper by the Chair.
- K. On the demand of any Member, before the question is put by the Chair, a question shall be divided, if it includes propositions so distinct in substance that, one being taken away, a substantive proposition shall remain.
- L. A motion to strike out and insert is indivisible, but a motion to strike out and insert being lost shall not preclude amendment nor further motion to strike out and insert.
- M. No motion or proposition on a subject different from that under consideration shall be entertained by the Chair under color of amendment.

All matters not otherwise provided for in the Code of Virginia shall be determined by a majority of the Supervisors voting on the question except that a two-thirds vote of the Members voting should be obtained for the following:

1. A motion to suspend the Rules.
2. A motion to cut off debate or to call the previous question.
3. A motion to object to consideration of the matter.

N. The votes to carry a motion shall be as follows:

<u>Members Present and Voting</u>	<u>Majority</u>	<u>Two-Thirds</u>
9	5	6
8	5	6
7	4	5
6	4	4
5	3	4

Note 1: Five Members in attendance are needed for a quorum. The Board operates without the use of a tiebreaker.

Note 2: Tie vote on a motion will not carry the motion.

Note 3: A Member who abstains is counted for quorum meeting purposes but is not counted as a Member present and voting.

Note 4: Failure of a motion couched in the negative does not authorize positive action.

Note 5: It is noted that any vote to appropriate funds requires a majority of the full membership of the Board for approval, not simply a majority of Members present.

O. Voting at a Public Hearing

It shall normally be the policy that the Board not vote to approve or deny an item during public hearing on matters that are on the agenda, unless all matters are resolved. If an item is moved for approval or denial at the public hearing, a motion to suspend the Rules shall be in order to bring the matter to a vote. All other motions to forward the item to another public hearing for action or standing committee are in order and do not require suspension of the Rules.

If the Board forwards an item to the appropriate standing committee for further discussion, then the standing committee, once it has completed its review, shall forward the item to the next available public hearing.

## **XII. Citizen Appointments**

- A. Whenever a vacancy exists on an advisory board, commission, committee, or other such body for which the Board makes appointments, the staff, in consultation with the Chair, shall notify the Board. For each regular business meeting, an item shall be prepared listing all appointments which are ripe for action, including the term of each appointment, and, if applicable, the district from which the appointment shall be made and the interest of incumbents to be reappointed.
- B. It is the Board's intent to search for broad-based representation on its advisory boards, commissions, and committees. To the extent possible, Board Members are highly encouraged to nominate County residents. Unless directed otherwise by the Chair, staff

will generally advertise vacancies for a 30-day period to the public through the appropriate communication channels.

- C. The Chair shall entertain nominations for appointments at any regular meeting at which a vacancy is so listed. A second is not required. Nominees shall submit the application for advisory board, commission, or committee prior to their appointment. Upon the receipt of all nominations, the Chair shall declare the nominations closed, provided that any Member may make a motion to leave the nominations open. Such motion shall require a second and a majority vote.
- D. Once the nominations have been closed, no action shall be taken on the appointment until the next regular business meeting, unless the Board suspends its Rules.
- E. At the next regular business meeting, the Board shall vote on the outstanding nominations for appointment. The nominations previously made shall be included in the item listing appointments. When more than one person has been nominated, the Chair shall present each nomination for a vote in the order in which it was made. When more than one appointment is to be made, and only one nomination has been made for each appointment, the Chair may propose a slate of candidates for the appointments to be voted upon as a group.
- F. All appointments require a majority vote of the Board.
- G. When the Board creates an advisory board, commission, committee or task force, the Board may establish a sunset provision for the body, except as otherwise required by State law.
- H. Except as otherwise established by State law, the Board shall establish the terms of office for members of any advisory board, commission, committee or task force it appoints.
- I. Unless otherwise provided by law, any appointee whose term of office has expired shall continue to serve until such time as the Board confirms a reappointment or a replacement appointee.
- J. Public Affairs and Communications staff shall notify the public of all advisory board, commission, and committee vacancies on a monthly basis through the appropriate communication channels.
- K. Flow of information from advisory boards, commissions, and committees, to include a written report of work efforts on a regular basis as stipulated in the bylaws, shall be presented through the appropriate Board standing committee.

### **XIII. Record Keeping**

Official minutes shall be kept by the Clerk to the Board as a summation of the public meetings, public hearings, and actions of the Board and its standing committees. In addition, the staff shall record and maintain archived audio recordings of all public meetings and hearings of the Board and its standing committees.

### **XIV. Establishment and Jurisdiction of Standing Committees**

- A. The standing committee structure provides the Board the opportunity to study in depth, with the highest degree of public participation, the major items that the Board must

take action on. Any Member of the Board may participate in the discussion of issues before a standing committee. Standing committee membership may change year to year.

- B. The Board shall have the following standing committees:
1. Finance/Government Operations and Economic Development Committee (5 Board Members)
  2. Transportation and Land Use Committee (5 Board Members)
  3. Joint Board and School Board Committee (3 Board Members)

The Chair, subject to Board approval, shall appoint such other standing committees as the Board may deem necessary.

- C. In order to assist the Board in its analysis, appraisal and evaluation of Loudoun County government and conditions and circumstances which may indicate the necessity or desirability of enacting new or additional ordinances and policies, the standing committees of the Board shall have oversight responsibilities for specific areas of concern. Upon approval by the Board each standing committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those ordinances, policies, and programs, the subject matter of which is within the jurisdiction of that standing committee and the organization and operation of the County agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such ordinances, policies, and programs are being carried out in accordance with the intent of the Board.
- D. All standing and ad hoc committees shall review and/or work on only those items or topics that are under its jurisdiction or referred to the committee by the Board. Any item not sanctioned by the Board that will require substantial staff time and/or cause a change in the schedule the Board has approved, the work program shall first receive Board approval. Each resolution, or other matter related to a subject under consideration by a standing or ad hoc committee shall be referred by the Chair of the Board to that standing or ad hoc committee except when the Board, by a majority vote, shall determine otherwise.
- E. The Finance/Government Operations and Economic Development Committee and the Transportation and Land Use Committee shall be comprised of five Members of the Board and the Joint Board and School Board Committee shall be comprised of three Members of the Board, one of whom shall be named as Chair. The Chair of the Board nominates potential standing committee Chairs, which must be approved by a majority of the Board. In the case of the Joint Board and School Board Committee, a Co-Chair will be nominated by the Chair of the Board and approved by the majority of the Board.
- F. Each standing committee Chair shall appoint a Member of the committee to serve as Vice-Chair of the standing committee. The duty of the Vice-Chair is to chair any standing committee meetings in the absence of the committee Chair.
- G. Three Members present shall represent a quorum except for the Joint Board and School Board Committee where four members shall represent a quorum.



- H. Each standing committee specified in this Rule is authorized at any time to conduct such meetings, hearings, investigations, and studies as it may determine necessary or appropriate in the exercise of its responsibilities under this Rule as approved by a majority of the standing committee members or by the Board.
- I. All standing committees shall establish regular meeting dates. If this schedule would cause a regular meeting to fall on an official County holiday, then the meeting shall be held the next day at the same time and place, or as otherwise scheduled. All efforts will be made to avoid holding standing committee meetings on religious holidays. All standing committee meetings and hearings shall be open to the public as required by the Code of Virginia and all such meetings and hearings shall be announced by the Chair of the standing committee either during the regular meetings of the Board or at such other times as the standing committee deems appropriate, so long as every effort is made to provide each Member of the Board and concerned citizens advance notice of the meeting or hearing.
- J. A portion of the standing committee meeting, conducted in a manner as determined by the committee Chair, may provide an opportunity for standing committee members to receive information from the public and staff and to ask questions of those testifying.
- K. It shall be the duty of the Chair of each standing committee or Member acting in the Chair's behalf specified in this Rule to report or cause to be reported promptly to the Board any measure approved, disapproved, passed over or recommending no action be taken. Both majority and minority views should be reported. At the time reported to the Board, any item for which a standing committee vote was taken, but which does not require Board action, may be reviewed by the full Board, and the Board may confirm, amend or overrule the standing committee action upon proper motion. Notwithstanding the above, the Finance/Government Operations and Economic Development Committee shall review and recommend to the Board all contracts and leases consistent with the Board's Procurement Resolution in Section 3. Organization, Subsection E. Contracting Authority.
- L. The following Rule shall be observed for the presentation of standing committee reports at Board business meetings: the standing committee Chair shall be recognized for three minutes to present each action item resulting from their standing committee's meeting. Standard Rules of debate defined in Section VI will then follow.
- M. Jurisdiction of Standing Committees:

The standing committees of the Board shall have the jurisdiction and related functions assigned to it by these Rules, and all resolutions, and other matters relating to the subjects within the jurisdictions of any standing committee listed in this Rule shall, in accordance with and subject to this Rule, be referred to such standing committees, as follows:

1. Finance/Government Operations and Economic Development Committee
  - Financial Management
  - Budget Policy and Issues
  - Procurement Issues
  - General Government Matters

- Human Resources Policy
  - Economic Development Policy
  - Business Development and Retention
2. Transportation and Land Use Committee
    - Planning, Zoning, Land Development, Energy and Environmental Policy
    - VDOT Policy Issues
    - Transportation Issues
  3. Joint Board and School Board Committee
    - School Budget
    - School Capital Facilities Planning and Implementation
    - Community Education

*Joint Board and School Board Committee Mission Statement: This Committee will foster communication between the Board and the School Board for the betterment of Loudoun County as a whole through informative and cooperative joint meetings. Goals: 1. To provide transparency and promote mutual understanding between the Board and the School Board governing groups; 2. To promote a joint culture of learning and continuous improvement for both our County and our Schools; 3. To provide at the joint meetings, the opportunity for community participation; and 4. To conscientiously promote EQUITY for all. The Committee will meet quarterly or at the discretion of the Co-Chairs to work on topics including, but not exclusively, the following: fiscal clarity, capital construction planning and implementation, and assurance of a 21st century global education. Membership includes three members of the School Board, three members of the Board, and one member of the Economic Development Advisory Committee.*

(Each standing committee may select from its body a Vice-Chair to serve in the absence of the committee Chair. This shall not apply to the Joint Board and School Board Committee as this committee will be served by Co-Chairs appointed by each respective governing body.)

**XV. Amendments to Rules**

These Rules may be altered, amended, or repealed and new Rules may be adopted by a majority of the Board, in such manner and at such times as the Board may determine.

**XVI. Robert's Rules of Order**

The latest edition of Robert's Rules of Order will apply to the extent consistent with the Rules.

**XVII. Rules of Order for Public Comments and Public Hearings**

It is the purpose and objective of the Board to give each citizen an opportunity to express his/her views during any business meeting and on the issue(s) at hand at a public hearing and to give all speakers equal treatment and courtesy.

While at a public hearing it is often necessary to have a presentation by the applicant and staff, it is the desire of the Board to hear from the public and, therefore, the applicant and

staff presentations will be as brief as possible and the Board will refrain from actions on the item until after the public has been heard. In order to accomplish this objective, it is necessary that certain Rules with respect to public comment prevail at all business meetings and public hearings of the Board, as follows:

A. Business Meetings:

1. Speakers are encouraged to sign-up in advance by calling the Office of the Board of Supervisors or the Office of the County Administrator at (703) 777-0204 or (703) 777- 0200, respectively, or by registering online. Speakers will be asked the date of the business meeting at which they wish to speak. Because Supervisors like to follow up with speakers on specific issues, the speakers should provide their full name, election district, topic to be presented to the Board, and a means of contact (either a current phone number or email address). Speakers may sign-up themselves and immediate family members only. Interpreters may also sign-up speakers that require interpretation services as long as the identifying information requested by the Board can be provided. Cut-off time for advanced sign-up is at noon on the business meeting date.

The cut-off time for sign-ups during the 5:00 p.m. public input session, which is only scheduled the second business meeting of the month, is 5:00 p.m. the day prior to the business meeting.

2. Sign-up will also be taken by the Deputy Clerk at the business meeting. Because Supervisors like to follow up with speakers on specific issues, a registration form will be provided, and all speakers will be asked to fill out the form. Such registration form shall include the subject, speaker's name, address, telephone number, email address, election district, and any organization they represent, if applicable. Sign- up at the meeting will begin 30 minutes in advance of the start of the meeting.
3. At the business meetings, all speakers, unless otherwise noted, will have a minimum of two and a half (2 ½) minutes, but no more than three minutes, except as otherwise noted, to address the Board whether speaking as an individual or as a representative of any group or organization. The Chair has the authority to set the time allotted to each speaker based on the number of citizens who are signed up to speak. A timer is located on each podium in the Board Room, indicating the amount of time remaining for the current speaker. When the timer reaches 00:00, the speaker shall yield the floor. When a member of the public is providing comment in a language other than English and chooses to use an interpreter, the Clerk shall pause the comment timer while the translator is speaking. Translation time shall not count against overall or individual comment time.
4. Members of the public who have not called in advance to register but wish to speak at a meeting should sign up prior to the start of the meeting. Order of speakers will be determined on first call-in/register, first speak basis. The Chair may call up out of order any public official wishing to speak to the Board.
5. Speakers will be limited to a presentation of their points of view; however, questions of clarification may be entertained by the Chair.
6. Debate is prohibited.

7. All comments will be directed to the Board as a body.
8. Decorum will be maintained. This includes a common courtesy from the audience, the staff and Board to the speaker and from the speaker to the audience, the staff and the Board. Statements which are demeaning or inappropriate shall be ruled out of order.

B. Public Hearings:

Public Hearing Agendas will be structured as follows:

- I. Call to Order
- II. Adoption of the Consolidated Agenda
- III. Hearing of New Items (as set by the agenda)
- IV. Hearing of Returning Items Ready for Action (as set by the agenda)

1. The order of business for consideration of a matter on the Board's public hearing agenda shall be as follows:
  - a. Staff presentation:

Staff presentation will be heard in accordance with Board policy. Brief, concise summaries for the public's information and understanding are permitted. When written information has been provided prior to the hearing only summary and/or new information should be presented. Any questions from a Member of the Board to staff shall be limited to three minutes per Member.
  - b. Applicant's presentation (if applicable):

A reasonable and sufficient time will be afforded the applicant to properly and fairly present the subject matter. Ten minutes shall be allocated to the applicant's presentation. If additional time is believed to be necessary, the applicant should contact the Chair prior to the public hearing. Board questions of the applicant are limited to three minutes per Member and shall immediately follow the Applicant's presentation. Any Member of the Board may ask the applicant to respond to specific questions raised by the public after all public comments have been heard. This section does not apply to the Hearing of Returning Items Ready for Action.
  - c. Comments, statements, or presentations from members of the public:

Unless otherwise noted, each speaker may have a minimum of two minutes, but no more than three minutes, to address the Board whether speaking as an individual or as a representative of any group or organization. The Chair has the authority to set the time allotted to each speaker based on the number of citizens who sign up to speak. The order of speakers will be determined on first call in/register, first speak basis. When a member of the public is providing comment in a language other than English and chooses to use an interpreter, the Clerk shall pause the comment timer while the translator is speaking. Translation time shall not count against overall or individual comment time.

d. Questions from Board Members, which shall be limited to three minutes per Member.

e. For New Items - Board discussion, at which time the Chair may entertain a motion to place the matter on a future agenda for action, to refer the matter to a standing committee, or to suspend the Rules and bring the matter to a vote.

The Chair may declare the public hearing continued to a time certain on any or all matters unless an objection is made by any Member. In the event such an objection is made, the public hearing may be continued only by action of the Board. No action of the Chair or Board is required to close the public hearing.

f. For Returning Items Ready for Action - Board discussion, at which time the Chair may entertain a motion to place the matter on a future agenda for action, to refer the matter to a standing committee, or bring the matter to a vote.

The Chair may declare the public hearing continued to a time certain on any or all matters unless an objection is made by any Member. In the event such an objection is made, the public hearing may be continued only by action of the Board. No action of the Chair or Board is required to close the public hearing.

2. Speakers are encouraged to sign-up in advance by calling the Office of the Board of Supervisors or the Office of the County Administrator at (703) 777-0204 or (703) 777- 0200, respectively, or by registering online. Sign-up date will coincide with the delivery of public hearing packets, which is approximately 12 days prior to the hearing. The public should provide their full name, election district, topic to be presented to the Board, and a means of contact (either a current phone number or email address). Speakers may sign-up themselves plus a maximum of three (3) other individuals if the identifying information requested by the Board can be provided. Interpreters may also sign-up speakers that require interpretation services as long as the identifying information requested by the Board can be provided. Cut-off time for advanced call- in sign-up is at noon on the day of the public hearing. Sign-up will also be taken by the Assistant Deputy Clerk at the public hearing. A registration form will be provided which will include the speaker's name, address, telephone number, email address, election district, and any organization they represent, if applicable. Sign-up at the meeting will begin 30 minutes in advance of the start of the meeting. The Chair may call up out of order any public official wishing to speak to the Board.
3. Speakers will be limited to a presentation of their points of view; however, questions of clarification may be entertained by the Chair.
4. Debate is prohibited.
5. All comments will be directed to the Board as a body.
6. Decorum will be maintained. This includes a common courtesy from the audience, the staff and Board to the speaker and from the speaker to the audience, the staff and the Board. Statements which are demeaning or inappropriate shall be ruled out of order.

7. In the event of a large number of speakers resulting in the continuation of the hearing, any persons not heard at the initial public hearing will be the first to speak at the continued hearing.
8. A timer is located on each podium in the Board Room, indicating the amount of time remaining for the current speaker. When the timer reaches 00:00, the speaker shall yield the floor.
9. Board Members will be limited to asking questions dealing with clarification of statements made by speakers, staff and/or the applicant and to correct any obvious areas of misinformation. However, such questions, responsive answers or the correction of misinformation shall be made after the public has been heard or by Board action. Each Member will be permitted three minutes total for questions and answers. Members requiring additional information or answers should seek them on their own time and not take the time of other Members.
10. It shall continue to be Board practice to not vote on matters appearing on a public hearing agenda as a new item at the time of the public hearing, unless on the consolidated agenda, and instead the item is to be placed on a future public hearing agenda as a returning item for action. However, should the Board desire to vote to approve or deny a new item on the public hearing agenda that is not a part of the consolidated agenda, then a motion to suspend the Rules shall be in order to bring the new item to a vote at its first public hearing. It shall be the policy of the Board to leave the record open to receive written comments following a public hearing up until the time that a vote is taken.
11. Speakers who wish to leave written statements/comments are encouraged to bring 12 copies for distribution to the Board Members.
12. Individuals speaking for an organized group shall file with the Deputy Clerk a copy of the Resolution of such Board authorizing their presentation.
13. Rules for Public Comment and public hearings will be available in the Board of Supervisors' Meeting Room.

B.C. Consolidated Public Hearing Agenda:

1. The Chair is authorized, in consultation with the County Administrator, to prepare a consolidated public hearing agenda for regular Board public hearings for those items that meet the criteria set forth in this Subsection. The Chair shall consolidate all public hearings on the consolidated agenda into a single public hearing. Each individual item on the tentative consolidated public hearing agenda will be subject to the same requirements for preparation of a written staff report, to be distributed to the Board and the public at the same time as the staff reports are distributed for items on the standard public hearing agenda. Written staff reports for all items, regardless of whether the public hearing occurs on the consolidated or the standard public hearing agenda, shall be subject to the same requirements for content and thoroughness.
2. Items may be removed from the consolidated public hearing agenda and placed on the standard public hearing agenda for presentation, questions, or debate at the request of any Board Member. Therefore, County staff will be present and prepared

to make full presentations on any and all items on the consolidated public hearing agenda to facilitate the ready removal of any item from the consolidated public hearing agenda to the standard public hearing agenda.

3. Only land use items which have received recommendations of approval from County staff and the Planning Commission, where there are no unresolved issues between the applicant (if applicable for the item), County staff or the Planning Commission, and where no members of the public have pre-signed up to speak may be placed on the consolidated public hearing agenda. Non-land use items which the Chair, in consultation with the County Administrator, believes are non-controversial and where no members of the public have pre-signed up to speak may be placed on the consolidated public hearing agenda. Both “new” and “returning” public hearing items are eligible for the consolidated agenda if all criteria of this section are met.
4. The Chair shall announce each item individually that is proposed on the consolidated public hearing agenda at the beginning of the consolidated public hearing.
5. Consolidated public hearing items that have an applicant and where the applicant desires to provide a presentation, shall be moved to the standard public hearing agenda.
6. After a call for public speakers has been made, the Board may consider acting on each individual item on the consolidated public hearing agenda without any requirement for the suspension of the Rules. Motions to approve each item on the consolidated public hearing agenda shall be voted upon individually and recorded for the public record.

#### **XVIII. Legislative Contacts**

The Chair and the Vice Chair shall serve as the points of contact for the state and federal legislative programs adopted by the Board. Staff shall consult with the points of contact prior to legislation being brought forward to the Board for consideration of a position. All formal correspondence sent to federal and state members of the executive, legislative, and judicial branches that fits the Board’s federal and state legislative programs, and has been directed by the Board, shall be signed by both the Chair and the Vice Chair.

During the General Assembly session and times when Congress is in session, the Chair and Vice Chair shall serve as the points of contact for all actions as may be required in order to reach the Board for any straw votes. All straw votes taken prior to a business meeting of the Board will be in accordance with the most recent adopted procedures and confirmed at a regularly scheduled business meeting.

No Member shall speak on behalf of the full Board or presume to represent the full Board before the legislature on any question or issue that the full Board has not taken a position on by the majority vote.

#### **XIX. Remote Participation in Board Meetings\***

*\*This Policy was adopted by the Board on September 3, 2014, and revised on January 3, 2023, pursuant to Virginia Code §2.2-3708.3.*

It is the policy of the Board that individual Board Members may participate in meetings of Board by electronic communication means from a remote location that is not open to the public only as permitted by Virginia Code § 2.2-3708.3, as amended, and this policy. This policy shall apply strictly and uniformly to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

Except as provided in the last paragraph of this Rule XIX, an individual member may participate from a remote location only if a quorum (5 members) of the Board is physically assembled at the primary or central meeting location, and the Board has made arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

Remote participation in a meeting due to a personal matter, permanent or temporary disability, or medical condition may be approved only if, at least five business hours prior to the meeting, the requesting member notifies the Chairman of the Board that such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the reason for remote participation and the location from which the member will remotely participate. The public body shall include in its minutes the fact that the member participated through electronic communication means, the specific nature of the reason for the member's remote participation, and the location from which the member participated remotely. Business hours are defined as the Office of the County Administrator's operating hours, 8:30 a.m. to 5:00 p.m.

As required by law, remote participation that is due to a personal matter pursuant to § 2.2-3708.3.B(4) shall be limited in each calendar year for each individual member to two (2) meetings per calendar year or 25 percent of the meetings held rounded up to the next whole number, whichever is greater. This limitation shall apply separately with respect to the meetings of each of the Board's standing committees.

An individual member's request for participation from a remote location under this policy shall be considered approved upon communicating the request to the Chairman of the Board, pending review by the County Attorney for compliance with the Code of Virginia and this policy. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.