CITY OF HARRISONBURG, VA

PLANNING COMMISSION BYLAWS

Amended ~~June 8, 2022~~ , 2026

Article I. *Authorization*

1-1. This P~~p~~lanning C~~c~~ommission is established in conformance with a resolution adopted by the City Council of Harrisonburg, Virginia on March 1,1938 and in accord with the provisions of Chapter 22, Title 15.2 of the Code of Virginia.

1-2. The official title of this body shall be the Harrisonburg 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 City Council, by preparing and recommending plans, ordinances, capital improvements programs, Comprehensive Plan updates, and other documents to the City Council for its consideration. The Commission may request input from the public to help in its advisory capacity.

Article III. *Membership*

3-1. The Commission shall consist of 7 members appointed by the City Council. All shall be residents of the City of Harrisonburg 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 Harrisonburg. One member may be a member of the City Council and one member may be a member of the administrative branch of the Harrisonburg government.

3-2. The terms of office for the City Council member and the administrative member shall be coextensive with their terms of office, or until the City Council appoints their replacement. The terms of the other original members shall be for one, two, three, and four years. Subsequent members shall be appointed for terms of four years. The City Council, at its discretion, may establish different terms of office for initial and subsequent appointments including terms of office concurrent with those of the City Council.

3-3. Vacancies shall be filled by appointment made by the City Council.

3-4. Members of the Commission shall be eligible for reappointment for one term.

3-5. Members of the Commission may be removed by the City Council for malfeasance in office.

3-6. Terms of Commission members shall expire immediately before the beginning of the regular meeting at which their successors' terms of office begin.

3-7. The City Council may provide for the payment of expenses incurred by Commission members in the performance of their official duties and compensation for services.

3-8. Commission members shall attend the Virginia Certified Planning Commissioner Program, sponsored by Virginia Commonwealth University's Land Use Education Program, within one year of appointment to Planning Commission.

3-9. Commissioners are to use the American Planning Association's "Ethical Principles in Planning" document as a guide to ethical conduct and shall acknowledge a pledge to adhere to the ethical principles explained in the document at the beginning of each year.

Article IV. *Selection and Designation of Officers*

4-1. Officers of the Commission shall consist of a chair, vice-chair, and secretary.

~~4-1.~~4-2. The chair and vice-chair shall be elected by the membership. ~~The secretary shall serve at the request of the Commission and may be a member of the Commission, an employee of the City of Harrisonburg, or a citizen volunteer.~~

~~4-2.~~ Nomination of ~~officers~~chair and vice-chair shall be made from the floor at the January meeting each year. Election of ~~officers~~ chair and vice-chair shall follow immediately. A candidate receiving a majority vote of the entire membership shall be declared elected.

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4-3. Terms of chair and vice-chair ~~office~~ shall be for one year or until a successor takes office.

4-4. Vacancies for chair and vice-chair shall be filled for an unexpired term by a majority vote of the Commission.

4-5. The Director of Community Development shall designate an employee of the City of Harrisonburg as secretary.

Article V. *Duties of Officers*

5-1. The chair shall:

5-1-1. Preside at meetings.

5-1-2. Appoint committees.

5-1-3. Rule on procedural questions (subject to reversal by a two-thirds majority vote of the members present).

5-1-4. Report official communications at the next regular ~~c~~Commission meeting.

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5-1-5. Certify official documents involving the authority of the Commission.

5-1-6. Remain a voting member of the Commission.

5-1-7. Carry out other duties as assigned by the Commission.

5-2. The vice-chair shall:

5-2-1. Assume the full powers of the chair in the absence or inability of the chair to act.

5-3. The secretary shall:

5-3-1. Record attendance at all meetings.

5-3-2. Record the minutes of the Commission meetings.

5-4. The secretary or staff shall:

5-4-1. Notify members of all meetings.

5-4-2. Maintain a file of all official Commission records and reports.

5-4-3. Certify records and reports of the Commission.

5-4-4. Give notice and be responsible for publishing public notices of all Commission public hearings and public meetings.

5-4-5. Attend to the correspondence for the execution of the duties and functions of the Commission.

Article VI. *Committees*

6-1. Special committees may be appointed by the chair for purposes and terms approved by the Commission.

6-2. The chair shall be an ex-officio member of every committee.

Article VII. *Meetings*

7-1. Regular meetings of the Commission shall be held on the 2nd Wednesday, and the 3rd Tuesday, of each month at 6:00 P.M. However, the Commission can start the meeting at an alternate time so long as the proper public notices are made. When a meeting date falls on a legal holiday, or is cancelled due to inclement weather, the meeting shall be held on the subsequent regular meeting date unless the Commission selects an alternate day.

7-2. At the first regular meeting of each month, the Commission shall receive a summary of any new applications and determine whether any such applications shall be heard at the second regular meeting of the subsequent month. In the event that no application, program, or business is scheduled to be heard at the second regular meeting of any month, such meeting shall be deemed cancelled.

7-3. Special meetings may be called by the chair or by two members upon written request to the secretary or city staff. Staff shall give notice to all members, at least

five days before a special meeting, stating the time, place, and purpose of the meeting.

7-4. All meetings of the Commission shall be open to the public, except for those meetings which may be closed to the public under the provisions of the Virginia Freedom of Information Act, code of Virginia (1950), as amended, Section 2.1-340 through Section 2.1-346.1.

7.5 Participation in meetings through electronic communications.

a. Any Commissioner who is unable to attend a regular or special meeting in person due to (i) an emergency or a personal matter, or (ii) a temporary or permanent disability or other medical condition, may participate in the meeting through electronic communication from a remote location that may not be open to the public, subject to the following:
    i. A quorum of the Commission is physically assembled at the central meeting location.
    ii. The member notifies the chair on or before the day of the meeting that he or she is unable to attend (i) due to an emergency or personal matter identified with specificity, or (ii) due to a temporary or permanent disability or other medical condition that prevents the member's physical appearance. A member shall participate in a remote meeting due to an emergency or personal matter at no more than two meetings in each calendar year.
    iii. The Commission records in its minutes the (i) specific nature of the emergency or personal matter or the fact of the disability or medical condition, and (ii) the remote location from which the member is participating.
    iv. The Commission arranges for the voice of the absent member to be heard by all persons in attendance at the central meeting location.
b. The Commission by motion shall vote to approve or disapprove the member's electronic participation. If the absent member's remote participation is disapproved because such participation would violate the above, such disapproval shall be recorded in the minutes.

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 participating and voting.

Article IX. *Order of Business*

9-1. The order of business for a regular meeting shall include:

1. Call To Order
2. Roll Call/Determination of Quorum
3. Approval of Minutes
4. New Business –Public Hearings
5. New Business – Other Items
6. Unfinished Business
7. Public Comment
8. Report of Secretary and Committees
9. Other Matters
10. Adjournment

9-2. Parliamentary procedure in Commission meetings shall be guided by the latest edition of Robert's Rules of Order as necessary.

9-3. The Commission shall keep minutes of each meeting, and these minutes shall become a public record.

9-4. When appropriate the Chair will ask for any disclosures or recusals from Commissioners.

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 public hearing shall be advertised as required by Section 15.2-2204 of the Code of Virginia.

10-3. Cases shall be heard in the order, in which they appear on the agenda, except a case may be advanced for hearing by order of the Commission upon good cause shown.

10-4. At the hearing, the order shall be as follows:

10-4.1.Presentation of case and explanation and/or report by staff.

~~10-4.2. Open public hearing~~

10-4.2.Statement of applicant

10-4.3.Open public hearing

10-4.4.Statements of other persons in favor, opposed, or otherwise

~~10-4.4.~~10-4.5.Close public hearing

~~10-4.5.~~10-4.6. Questions from the Commission, and a~~A~~pplicant and/or staff's response and clarification

~~10-4.6. Close public hearing~~

10-5. The Chair may prescribe a reasonable time limit for each side to present its case. To maintain orderly procedure, each side shall proceed without interruption by the other. Cross-examination will not be permitted, but questions may be directed to the Chair who may allow limited questioning. The name and address of each person speaking shall be requested and the response shall be recorded in the minutes.

Article XI. *Amendments*

11-1. These Bylaws may be amended by a majority vote of the entire membership after twenty-eight days prior notice to the Commission members.

Adopted December 15, 1993
Amended February 14, 2001
Amended January 12, 2005
Amended May 9, 2018
Amended August 11, 2021
Amended June 8, 2022
Amended _____, 2026