
BOARD OF COUNTY SUPERVISORS

RULES OF PROCEDURE

Amended: June 22, 2021

pwcgov.org/bocs



PRINCE WILLIAM
COUNTY

**RULES OF PROCEDURE
BOARD OF COUNTY SUPERVISORS
PRINCE WILLIAM COUNTY, VIRGINIA**

Table of Contents

SECTION A: MEETINGS	1
1. Regular Meetings.....	1
2. Special Meetings.....	3
3. Adjourned Meetings.....	3
4. Place of Meeting.....	3
5. Public Hearings.....	4
6. Consideration and Adoption of Annual Budget.....	4
7. Open Meetings.....	5
SECTION B: PRESIDING OFFICER	5
1. Chair.....	5
2. Vice-Chair.....	5
3. Chair Pro-Tem.....	5
SECTION C: QUORUM AND ACTIONS	5
1. Quorum.....	5
(a) Policy Regarding the Attendance of Meetings Electronically Pursuant to § 2.2-3708.2, VA Code. and the 2020 Governor’s Budget Amendments.....	5
2. Required Absence.....	6
3. Actions.....	6
(a) Ordinances.....	6
(b) Resolutions.....	6
(c) Motion.....	6
(d) Unanimous Consent/Board Directives to Staff.....	7
4. Proclamations and Commendations.....	7
(b)(i) Board Commendations.....	7
(b)(ii) Supervisors’ Commendations.....	7
5. Proposal of Policy and Appointment Resolution by an Individual Supervisor.....	7
(a) Policy Resolution Proposed by an Individual Supervisor.....	7
(b) Appointment Resolution Proposed by an Individual Supervisor.....	8
6. Process for Appointment of Supervisors to Various Entities.....	8
7. Non-editorial Changes to Amend the Comprehensive Plan or the Zoning or Subdivision Ordinances.....	9
SECTION D: VOTING	10
1. Votes.....	10
2. Method of Voting.....	10
3. Restating the Question.....	10
4. Tie Votes.....	11

SECTION E: RECONSIDERATION	10
SECTION F: ORDER OF BUSINESS	11
1. Commencement of Meetings.....	11
2. Agenda.....	11
3. Consent Agenda.....	12
4. Public Comment Time.....	12
5. Supervisors’ Time.....	13
6. County Executive, County Attorney, and Board Matters.....	13
7. Administrative and Informational Matters.....	13
8. Agency Matters.....	14
9. Consolidated Land Use Public Hearing Agenda.....	14
10. Agenda Order.....	15
11. Minutes.....	15
12. Closed Sessions.....	15
SECTION G: ORDER IN CONDUCT OF BUSINESS	16
1. Persons Addressing the Board.....	16
2. Recognition.....	16
3. Zoning and Other Public Hearings.....	16
4. Repetitive Testimony.....	17
5. Questions.....	17
6. Plans, Renderings, Exhibits.....	17
7. Board Discussion.....	18
SECTION H: DECORUM	18
1. Board Members.....	18
2. Others.....	18
SECTION I: MISCELLANEOUS	19
1. Robert’s Rules of Order.....	19
2. Amendment of Rules.....	19
3. Seating at the Dais and Reserved Area.....	19
4. Press.....	19
5. Supervisor’s Office Expense Accounts.....	19
6. Employees of Supervisor’s Offices.....	20
7. Freedom of Information Act – Costs.....	20
APPENDIX A	22
Prince William Board of County Supervisors Policy Regarding the Attendance of Meetings Electronically Pursuant to § 2.2-3708.2, VA Code. and the 2020 Governor’s Budget Amendments.....	22

THIS PAGE INTENTIONALLY LEFT BLANK

1 **RULES OF PROCEDURE**
2 **BOARD OF COUNTY SUPERVISORS**
3 **PRINCE WILLIAM COUNTY, VIRGINIA**

4
5 **Adopted January 3, 1984**

6 Amended January 21, 1986, January 7, 1992, January 2, 1996, January 4, 2000, February 8, 2000,
7 March 14, 2000, effective March 14, 2000, September 19, 2000, effective September 19, 2000,
8 Amended February 20, 2001, Amended January 6, 2004, Amended January 9, 2007, Amended
9 January 8, 2008, Amended January 6, 2009, Amended February 8, 2011, Amended January 17, 2012,
10 Amended June 5, 2012, Amended January 14, 2014, February 9, 2016, Amended June 21, 2016,
11 Amended November 21, 2017, Amended February 19, 2019, Amended February 4, 2020, Amended
12 May 12, 2020, Amended July 21, 2020, Amended January 12, 2021

13 **Amended July 22, 2021**
14

15 **SECTION A: MEETINGS**

16 1. (a) *Regular Meetings* - The Board of Supervisors shall adopt a schedule of the
17 times, dates, and places of its regular meetings, for each calendar year, at its annual meeting, or as
18 soon thereafter as practicable. The "annual meeting" is hereby specified to be the first meeting after
19 the election of new members, and the corresponding first meeting of each subsequent year. Regular
20 meetings shall be held on Tuesdays and will generally occur on the first, second, and third Tuesday
21 of each month. Meetings shall begin at 2:00 P.M., and may reconvene at 7:30 P.M. or other
22 convenient time for public hearings. There must be at least one scheduled meeting per month that
23 occurs in the evening. In setting its regular meeting schedule, the Board may consider avoiding
24 scheduling meetings when they would conflict with such occurrences as legal holidays and other
25 meetings for the purpose of furthering public business which the majority of the Board has
26 traditionally attended. The Board may schedule regular meetings each year as it deems appropriate,
27 and may likewise cancel regular meetings, as provided in Subsection 1(c), below, after the annual
28 meeting schedule is adopted, so long as the Board meets in regular session not less than once each
29 month.

30
31 (b) *Changing or Adding Regular Meetings* - The Board may change the date, time,
32 or place of any regular meeting to another date, time, or place, when such meeting conflicts with
33 any holiday or any such change is otherwise deemed necessary by the Board, or it may establish
34 additional regular meetings in any month. Such change to, or addition of a regular meeting may be
35 accomplished by adoption of a resolution changing, or adding a regular meeting date, done at a
36 regular or special meeting, which is provided for in this section. The Clerk shall cause a copy of such

1 resolution to be posted on the door of the courthouse, in the James J. McCoart Administration
2 Building, on the County's internet website, and on the County's social media pages as well as via the
3 County's email system at least one week prior to the changed or added meeting. If possible, notice
4 of the change to, or addition of, a regular meeting shall also be inserted in a newspaper of general
5 circulation in the County prior to the day on which the meeting was to have occurred.

6
7 (c) *Eliminating Regular Meetings.* The Board may eliminate any regular meeting
8 shown on its annual schedule of meeting dates in the event that it determines that it can
9 successfully complete its work in fewer meetings. This may be accomplished by resolution of the
10 Board, adopted at a regular or special meeting. In the event that it becomes apparent to the Chair
11 that a regular meeting should be eliminated for this reason, and there are no regular or special
12 meetings intervening before the meeting that should be eliminated, the Chair or the Chair's staff
13 shall individually, and consistent with the Virginia Freedom of Information Act, notify each of the
14 Board members of the Chair's determination that the meeting should be eliminated. Members
15 should avoid responding to multiple Board members at the same time in order to comply with the
16 Virginia Freedom of Information Act. All members shall be provided a reasonable opportunity to
17 raise an objection to the cancellation of the meeting directly to the Chair. If no member of the Board
18 objects, following reasonable efforts to contact all members and seek their input, consistent with the
19 Virginia Freedom of Information Act, then the Chair may declare the meeting cancelled. The Clerk
20 shall send a notice of the elimination of the meeting to all Board members. The Clerk shall promptly
21 notify the media and post the notice at the Judicial Center (where public notices are regularly
22 posted), or at the James J. McCoart Administration Building (in the Office of Executive Management
23 where public notices are regularly posted), on the County's social media pages as well as via the
24 County's email system, and on the County's Internet website as far in advance of the meeting to be
25 cancelled as possible under the circumstances. If possible, notice of the elimination of the meeting
26 shall also be inserted in a newspaper of general circulation in the County prior to the day on which
27 the meeting was to have occurred.

28
29 The Chair, after consultation with the County Executive and County Attorney, may cancel a
30 meeting in the event that holding the meeting would present a threat to public safety. The Clerk
31 shall promptly provide notice to all Board members and the media, and to the extent possible, post
32 such notice on the County's Internet website, on the County's social media pages as well as via the

1 County's email system, and in the James J. McCoart Administration Building (in the Office of
2 Executive Management and where public notices are regularly posted).

3
4 2. *Special Meetings* –

5 (a) The Board may hold special meetings by establishing a special meeting date,
6 time, place, and an agenda for said meeting at a regular meeting. The Clerk shall post and publish
7 notice of the special meeting in accordance with the Virginia Freedom of Information Act, including
8 §2.2-3707 VA Code Ann., and on the County's social media pages as well as via the County's email
9 system.

10
11 (b) Special meetings shall be held when called by the Chair or requested by two
12 or more members of the Board. Such request shall be in writing, addressed to the Clerk of the
13 Board, and shall specify the date, time, and place of meeting and the matters to be considered at
14 the meeting. Upon receipt of such request, the Clerk shall immediately notify each member of the
15 Board, the County Executive, and the County Attorney, in writing, to attend the special meeting at
16 the date, time and place mentioned in the request. Such notice shall specify the matters to be
17 considered at the meetings, and shall be delivered to each member of the Board of County
18 Supervisors, the County Executive and the County Attorney, in person, or to their residence or place
19 of business, and by e-mail. No matter not specified in the notice shall be considered at such
20 meeting, unless all the members of the Board are present or sign a written waiver. The Clerk shall
21 post and publish notice of the special meeting in accordance with the Virginia Freedom of
22 Information Act, §2.2-3707 VA Code Ann., and on the County's social media pages as well as via the
23 County's email system.

24
25 3. *Adjourned Meetings* - Any regular or special meeting may be adjourned to a date and
26 time certain prior to the next regular meeting of the Board.

27
28 4. *Place of Meeting* - Unless otherwise changed as provided in Subsection 1(b), above, or
29 unless otherwise provided by resolution adopted by the Board, the Board's regular meetings shall
30 be held in the Board Chambers at the James J. McCoart Administration Building, One County
31 Complex Court, Prince William, Virginia. Special meetings shall be held at the McCoart Building, or in
32 the place specified by the notice required under Subsection 2(a) or (b), above.

1 5. *Public Hearings* - Public hearings shall be held after notice has been given in
2 accordance with the Code of Virginia. Except as provided herein, once a public hearing has been
3 advertised on any matter including a rezoning or special use permit application the public hearing
4 shall then be held to avoid inconvenience to the public. The Chair may then:

5
6 (a) close the public hearing at its conclusion, and the Board may take or defer
7 action on the matter including referral back to the Planning Commission of
8 any land use issue within its jurisdiction; or

9
10 (b) hold the hearing open for further public comment and Board action at a later
11 date. Any applicant for a rezoning or special use permit may withdraw their
12 application at any time prior to Board action thereon, subject to the
13 provisions of Section 32-700.70 of the Code of Prince William County.

14
15 No public hearing shall be held on any rezoning or special use permit application which has been
16 withdrawn in writing by the applicant under the provisions of that section. Any applicant for a
17 rezoning or special use permit may request Board approval of a deferral of action on their
18 application prior to the holding of a public hearing. If the Board agrees to such deferral, the Board
19 need not conduct the originally advertised public hearing if it believes that a public announcement
20 of the deferral request and postponement of the hearing would not substantially inconvenience the
21 public.

22
23 6. *Consideration and Adoption of Annual Budget* – The Board shall conduct the following
24 major steps in the procedure for adopting the annual budget during evening sessions of its
25 meetings: 1) the provision of budget guidance to the County Executive; 2) the presentation of the
26 County Executive’s proposed budget; 3) at least two public hearings on the proposed budget; 4)
27 budget markup by the Board; 5) budget recap; and 6) the adoption of the annual budget, and it shall
28 prescribe whether such discussions shall be held during an evening session. The Board may elect to
29 hold other discussions of a proposed annual budget, and it shall prescribe whether such discussions
30 shall be held during an evening session.

1 7. *Open Meetings* - All Board meetings shall be open to the public, provided that the
2 Board may meet in closed session for those purposes authorized by the Virginia Freedom of
3 Information Act. No meeting shall become a closed meeting unless there shall have been recorded
4 in open session an affirmative vote to that effect, which motion shall 1) identify the subject matter
5 and purpose of each item of closed session discussion and 2) make specific reference to the
6 applicable exemption from open meeting requirements provided by the Virginia Freedom of
7 Information Act. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or
8 agreed to in a closed meeting shall become effective unless the Board, following such meeting,
9 reconvenes in open meeting and takes a vote on such resolution, ordinance, rule, contract,
10 regulation or motion.

11
12 **SECTION B: PRESIDING OFFICER**
13

14 1. *Chair* - The Chair shall preside over all meetings, represent the Board at official
15 functions and ceremonial events, and make such appointments as are not required by law to be
16 made by the Board. The Chair shall retain the right to vote while presiding.

17
18 2. *Vice-Chair* - The Vice Chair shall be elected annually; shall preside over meetings in
19 the absence of the Chair; and shall perform such other duties as may be assigned by the Board. The
20 Vice-Chair shall retain the right to vote while presiding over a meeting.

21
22 3. *Chair Pro-Tem* - A Chair pro-tem shall be elected annually; shall preside over
23 meetings in the absence of the Chair and the Vice-Chair and shall retain the right to vote while doing
24 so. In the absence of the elected Chair Pro-Tem, a Chair pro-tem shall be appointed by the presiding
25 officer before the presiding officer leaves the room.

26
27 **SECTION C: QUORUM AND ACTIONS**
28

29 1. *Quorum* - A majority of all the members of the Board shall constitute a quorum. The
30 Chair shall be included and counted in determining whether a quorum exists.

31 (a) Policy Regarding the Attendance of Meetings Electronically Pursuant to § 2.2-
32 3708.2 VA Code Ann. And the 2020 Governor's Budget Amendments - *See Appendix A.*

1 2. *Required Absence* - No action shall be taken by the Board unless a quorum is present,
2 provided, however, that the temporary absence from the meeting room of members sufficient to
3 constitute a quorum shall not be deemed to prevent the hearing of presentations or the discussion
4 of matters submitted to the Board. The Chair, Clerk, or the County Executive shall suggest the
5 absence of a quorum prior to the taking of any action by the Board, but a failure to suggest the
6 absence of a quorum shall not be deemed to alter the effect of this rule requiring a quorum as a
7 prerequisite to any action.

8
9 3. *Actions* - The Board shall act in one of the following ways:

10 (a) *Ordinances* - If required by law, action shall be taken by the adoption of
11 ordinances. Ordinances shall be proposed for adoption, notice given, and adoption accomplished as
12 is provided for by the Code of Virginia.

13
14 (b) *Resolutions* - If action by ordinance is not required by law, the Board may act
15 upon adoption of a resolution, in the following manner:

16
17 (i) A resolution shall be presented in writing, along with any supporting
18 materials the Supervisor or Chair intends to be considered by the Board, to the Clerk with sufficient
19 time to be included in the published agenda packet for the meeting in which the action is sought;

20
21 (ii) The Clerk shall deliver a copy of any proposed resolution to all
22 members of the Board, the County Executive, and the County Attorney before the resolution is
23 proposed for adoption.

24
25 (iii) Notwithstanding any other provision of the Board's Rules of
26 Procedure, the Board may act, without prior notice, upon adoption of a resolution as a result of
27 matters discussed in closed session, pursuant to the Virginia Freedom of Information Act.

28
29 (c) *Motion* - If action is required on matters simply stated, the Board may act on
30 oral motion only. Any oral motion made and seconded, including any procedural motions pursuant
31 to these Rules, shall be voted on by the Board and fully recorded in the minutes of the meeting.

32

1 (d) *Unanimous Consent/Board Directives to Staff* - If action by ordinance or
2 resolution is not required by law or these Rules, and no objection is heard, a request of a member
3 shall be deemed a request of the Board without further action, provided that such request is made
4 at a meeting with a quorum present, and further provided that the Chair states that such request
5 shall be deemed to be a request of the Board. Such request may be a Board directive to staff
6 directing that certain actions be taken by staff.

7
8 4. *Proclamations and Commendations.*

9 (a) The Board may issue proclamations on such issues and at such times as it
10 shall deem appropriate. Proclamations shall only be issued upon Resolution of the Board adopted
11 as other Resolutions are adopted. Such proclamations shall be signed by the Chair of the Board, and
12 may be signed by all members of the Board.

13
14 (b) The Board shall have two forms of Commendation:

15 (i) *Board Commendations.* The Board itself may issue Commendations
16 to any persons or groups for meritorious service to the community or other act meriting public
17 notice, by Resolution adopted as other Resolutions are adopted. Such Commendations shall be
18 signed by the Chair of the Board, and may be signed by all members of the Board.

19
20 (ii) *Supervisors' Commendations.* The Board hereby expressly authorizes
21 any Supervisor to prepare Commendations for any persons or groups for actions that such
22 Supervisor shall deem worthy of note, and which may be signed by such Supervisor on behalf of the
23 Board, without the necessity of further formal Board action or vote thereon.

24
25 5. *Proposal of Policy and Appointment Resolution by an Individual Supervisor.*

26 (a) *Policy Resolution Proposed by an Individual Supervisor.*

27 (i) A Supervisor shall announce their intent to seek Board action
28 regarding a policy proposal/resolution at a future Board meeting during Supervisors' Time; if at least
29 one other Supervisor present at the meeting verbally concurs with the announcement, such
30 proposals would appear on the agenda in Supervisors' Time at the next meeting for Board
31 consideration pursuant to the provisions of this Subsection 5(a), or at such meeting as may be
32 specified by the Board or other code provisions; or

33

1 (ii) Pursuant to Subsection F(2)(a), an individual Supervisor, in
2 coordination with the Chair shall provide to the Clerk the written resolution, along with appropriate
3 written materials, in a timely fashion for inclusion on the published agenda for the meeting where
4 the action is scheduled for Board consideration during Supervisors' Time. No Board Action can be
5 taken on any matter where the written resolution is not published in the agenda for the meeting.
6

7 (iii) In the event that the Board has agreed by motion to waive the
8 provisions of Subsection 5 (a)(i)-(ii) above, and/or Subsection F(2)(a), thus permitting a Supervisor to
9 present a resolution for Board action which has not previously appeared on the Board's agenda or
10 has not been included in the meeting materials for prior review by the public, a copy of that
11 proposed resolution placed before the Board for action shall be shown on the overhead projector or
12 otherwise displayed in the Board chambers prior to any vote.
13

14 (b) *Appointment Resolution Proposed by an Individual Supervisor.*

15 (i) When appointments to policy or administrative boards are
16 recommended by an individual Supervisor, they shall be accompanied by a résumé of experience
17 and/or qualifications for the prospective appointee. These boards are the Community Services
18 Board, Human Rights Commission, Library Board, Planning Commission, and Service Authority.
19

20 (ii) Appointments to other boards, committees and commissions shall
21 be initiated as above and shall be accompanied by an abbreviated résumé that includes name,
22 address, phone number and an abbreviated statement of qualifications and/or interest in the
23 appointment.
24

25 (iii) Unless the membership of a board, committee or commission is
26 comprised of one at-large member and one member from each magisterial district appointed by the
27 Board of County Supervisors, Supervisors will consult with the Chair first before proposing an at-
28 large nomination of an appointment to the board, committee or commission.
29

30 6. *Process for Appointment of Supervisors to Various Entities.*

31 (a) A vacancy on any entity to which a Supervisor is to be appointed shall be
32 announced to the Board as soon as possible by the Chair. This announcement can be made at a
33 Board meeting, by voice or electronic mail message, or in writing. A copy of any written

1 announcement from the entity for which the appointment is to be made should be provided to the
2 Board.

3
4 (b) Supervisors who are interested in being appointed, should announce their
5 interest to the Board as soon as possible.

6
7 (c) The Chair shall notify the Board of the meeting at which such appointment
8 will appear on the agenda to be considered by the Board and when discussion of the appointment
9 will occur in closed session. The Chair shall request the Clerk to the Board to prepare for the agenda
10 a draft resolution for appointment with a blank for the name of the Supervisor to be considered if
11 the Board has not discussed the appointment in closed session. If the Board has already discussed
12 the appointment in a closed session, then the Chair may request the Clerk to include a Supervisor's
13 name in the draft resolution.

14
15 (d) The Board shall vote on all such appointments of Supervisors at a regular
16 Board meeting.

17
18 7. Process for adopting non-editorial changes made to previously advertised language
19 amending the Comprehensive Plan or the Zoning or Subdivision Ordinances, including the Design
20 and Construction Standards Manual following a special public input process.

21
22 Where the Board establishes a public involvement process when it initiates any five-year
23 update to the Comprehensive Plan, or a significant amendment to the text of the Zoning Ordinance
24 or the Subdivision Ordinance, including the Design and Construction Standards Manual, the Board
25 may provide in the initiating resolution or elsewhere that any non-editorial change to the language
26 published to the public as recommended for adoption by the Board will be made available to the
27 public for review prior to adoption of such non-editorial change. The purpose of providing notice of
28 the proposed non-editorial change prior to its adoption is to allow a sufficient time prior to Board
29 action on the non-editorial change to give the public a meaningful opportunity to comment on the
30 proposed non-editorial change. At all times, the Board will adhere to legal requirements for
31 advertising proposed language or proposed changes to advertised proposed language. Where re-
32 advertising non-editorial changes is not legally required, the Board may exercise its discretion in
33 determining how to provide the public with notice of a proposed non-editorial change and the time
34 that will elapse between the public notice and action on the proposed non-editorial change. The

1 Board may, but is not required to, provide detail concerning the process for consideration of non-
2 editorial changes to advertised proposed language, such as the time period for public notice prior to
3 action, the method for providing public notice, etc., in the initiating resolution.

4
5
6 **SECTION D: VOTING**
7

8 1. *Votes* - Votes shall be taken only upon motions made and seconded. Votes shall be
9 taken in accordance with the Virginia Freedom of Information Act, §2.2-3707 VA Code Ann.

10
11 2. *Method of Voting* - All voting shall be taken by electrical equipment permitting push-
12 button voting from each Board member's seat. At the discretion of the presiding officer, a roll call
13 vote may be taken for the vote on any ordinance or resolution.

14
15 3. *Restating the Question* - The Chair may restate the question or ask the Clerk to restate
16 the question prior to the taking of a vote, provided, however, that at the request of the Chair, a
17 Board member may restate the question if it is the opinion of the Chair that such procedures will
18 expedite the decision of the question.

19
20 4. *Tie Votes* - In the event of a tie vote, the motion under consideration shall be deemed
21 defeated.

22
23 **SECTION E: RECONSIDERATION**
24

25 Action on an ordinance, resolution or motion may be reconsidered one time and only upon
26 motion of a Board member voting with the prevailing side on the original vote, which motion must
27 be made at the same or immediately subsequent regular meeting as defined by Section A.1.(a) of
28 these Rules of Procedure. A motion to reconsider may be seconded by any member. Any such
29 matter defeated by a tie vote may be reconsidered upon motion by any Board member having voted
30 to defeat the matter at the same or the next regularly scheduled meeting.

1 Action upon reconsideration of a question shall be taken only following notice as required by
2 law and at least as much notice as was given prior to the original action, unless such action upon
3 reconsideration is taken at the same meeting as the original action.

4
5 In instances involving the reconsideration of the adoption, or rejection of an ordinance,
6 whether by tie vote or otherwise, the ordinance shall be re-advertised in accordance with the
7 advertising requirements for ordinances specified by the Code of Virginia prior to action on the
8 reconsidered question. A motion to reconsider an ordinance made at any other meeting than that at
9 which a lawful vote thereon shall have first been taken, shall constitute instruction to the Clerk to re-
10 advertise the said ordinance for further proceedings according to law.

11
12
13 **SECTION F: ORDER OF BUSINESS**

14
15 1. *Commencement of Meetings.*

16 (a) At the time specified in Section A of these Rules for the commencement of
17 regular meetings, and at the hour specified for adjourned or special meetings, the presiding officer
18 shall call the meeting to order, and direct the Clerk to note the presence or absence of Board
19 members. A quorum shall be required for the commencement of any meeting.

20
21 (b) The Board shall open each meeting, regular or special, with the reading or
22 recitation of a prayer, with an invocation by a cleric invited for the purpose, or with a moment of
23 silence or quiet reflection, and with the Pledge of Allegiance.

24
25 2. *Agenda* - The Chair, with the County Executive, shall prepare an agenda for each
26 meeting.

27 (a) Any member having matters to be considered by the Board, as well as any
28 presentations to make to the Board, which shall include any written or graphic materials, and/or
29 audio or video recordings of any kind to be read, viewed, heard, observed, and/or considered by the
30 Board at any point during any meeting, shall submit them to the Clerk to the Board for inclusion on
31 an appropriate agenda, in consultation with the Chair, and such materials shall be included with the
32 other materials dispatched to Board members and the public for that meeting's agenda in
33 preparation for the meeting.

1 (b) When County staff proposes that the Board take action in a meeting on a
2 particular matter County staff shall provide to the Clerk the staff reports that provide detailed
3 explanations and impact statements on the recommended action.
4

5 (c) No votes shall be permitted on matters placed on the Agenda at the request
6 of County staff for which the County staff report was not provided to the Board in the published
7 Agenda for the meeting for which a vote is sought.
8

9 3. *Consent Agenda* – The Chair is authorized and directed, in consultation with the
10 County Executive, to prepare a consent agenda for regular Board meetings, for matters of a routine,
11 non-controversial nature. Motions to approve the consent agenda shall not be debatable, and shall
12 be adopted only by unanimous consent of all Board members present at the meeting. Matters may
13 be removed from the consent agenda and placed on the regular agenda after Public Comment Time
14 for presentation, questions, or debate, and vote at the request of any Board member, the County
15 Executive, or the County Attorney.
16

17 4. *Public Comment Time* – The Board shall set aside Public Comment Time at the
18 beginning of each afternoon session of a regular meeting of the Board, and again at the beginning
19 of each evening session of a regular meeting. During Public Comment Time the Board will receive
20 comment from any member of the public on any item not on the public hearing calendar for the
21 day, provided that the use of obscenity or other speech tending to create a breach of the peace is
22 prohibited; and provided further that no individual member of the public shall be permitted to
23 address the Board for more than three (3) minutes. The Chair is vested with the Board's authority to
24 enforce these limitations. Individuals wishing to speak at Public Comment Time shall sign up in
25 person to speak by providing their own name and address on a list provided for this purpose by the
26 Clerk to the Board. No one shall be allowed to sign another individual's name on the list provided by
27 the Clerk to the Board. Members of the public residing in Prince William County shall be called to
28 speak prior to members of the public residing outside of the County. The Board shall provide
29 members of the general public with the opportunity for public comment time during a regular
30 meeting at least quarterly as required by Virginia Code § 15.2-1416(D). Decorum shall be
31 maintained as outlined in Section H: Decorum
32

1 The Board recognizes that some members of the public may not be able to attend Board
2 meetings in person. These individuals may have an interest in specific Agenda items and, in order to
3 facilitate the timely review of their comments, the Board will accept comments on a virtual agenda
4 comment section on the official County website as follows:

- 5 • The official County website shall allow for members of the public to provide comments on
6 agenda matters that shall open at the time of the publication of the agenda for a meeting,
7 and close not sooner than two hours prior to the start of the meeting for which the agenda
8 was published.
- 9 • Members of the public can click on the Agenda item they wish to comment on, and it will be
10 sent by email directly to the members of the Board of County Supervisors
- 11 • All submitted comments shall be subject to the Virginia Freedom of Information Act (FOIA).

12
13 5. *Supervisors' Time* – On each agenda there shall be a period designated “Supervisors’
14 Time,” during which each Board member shall be entitled to unrestricted use of five (5) minutes for
15 such purposes as each member deems appropriate. A member may announce their intent to seek
16 Board action but may not make a motion during Supervisors’ Time except as provided under Section
17 C(5)(a). At the end of the five-minute period for each member, the presiding officer shall call the
18 Board to order, and any continuation of the matter then under discussion shall go over to the end of
19 the Agenda, or to a subsequent meeting, as the Board may determine. As provided elsewhere in the
20 Rules, member presentations must be dispatched with other agenda materials, and where a
21 Supervisor requests Board action that requires a resolution, all resolutions must be submitted to the
22 Board in writing, in advance.

23
24 6. *County Executive, County Attorney, and Board Matters* – To the maximum extent
25 possible County Executive, County Attorney, and Board matters shall be scheduled in the period
26 from 2:00 P.M. to 4:00 P.M. at the regular Board meetings. Under unusual circumstances, they may
27 be scheduled at such other time during a regular meeting as the Chair may deem expedient.

28
29 7. *Administrative and Informational Matters* - Administrative and informational matters
30 shall not be placed on the agenda or considered by the Board until the interested member shall
31 have ascertained from the administrative staff, through the County Executive, that all appropriate
32 administrative actions have been taken, or until an unreasonable amount of time following a
33 request for administrative action has elapsed and insufficient action has been taken. Matters having
34 to do with actions or failures to act by the administrative staff shall not be placed on the agenda or

1 considered by the Board until the County Executive shall have been given a reasonable opportunity
2 to furnish the interested member or members with an explanatory statement.

3
4 8. *Agency Matters* – Matters having to do with agencies not under the administrative
5 supervision of the County Executive shall not be placed on the agenda or considered by the Board
6 until the affected agency or agencies shall have been given a reasonable opportunity to furnish the
7 interested members of the Board with background information or data.

8
9 9. *Consolidated Land Use Public Hearing Agenda.*

10 (a) The Chair is authorized and directed, in consultation with the County
11 Executive, to prepare a consolidated land use public hearing agenda for regular Board meetings, for
12 those Comprehensive Plan map amendment, rezoning, proffer amendment and special use permit
13 applications that meet the criteria set forth in this Subsection. The Chair shall consolidate all public
14 hearings on the land use matters on the consolidated agenda into a single public hearing. Each
15 individual item on the consolidated land use public hearing agenda will be subject to the same
16 requirements for preparation of a written staff report, to be distributed to the Board and the public
17 at the same time as the staff reports are distributed for land use matters on the standard public
18 hearing agenda. Written staff reports for all land use matters, regardless of whether the public
19 hearing occurs on the consolidated or the standard public hearing agenda, shall be subject to the
20 same requirements for content and thoroughness.

21
22 (b) Matters may be removed from the consolidated land use public hearing
23 agenda and placed on the standard public hearing agenda for presentation, questions, or debate at
24 the request of any Board member, the County Executive, or the County Attorney. Therefore, relevant
25 County staff will be present and prepared to make full presentations on any and all land use matters
26 on the consolidated land use public hearing agenda to facilitate the ready removal of any matter
27 from the consolidated land use public hearing agenda to the standard public hearing agenda.

28
29 (c) Only Comprehensive Map amendment, rezoning, proffer amendment or
30 special use permit applications which have received recommendations of approval from County
31 staff and the Planning Commission, and where there are no unresolved issues between the
32 applicant and County staff or the Planning Commission may be placed on the consolidated land use
33 public hearing agenda. Further, no application can be placed on the consolidated land use public

1 hearing agenda without the consent of the Supervisor in whose district the land which is the subject
2 of the application is situated.

3

4 (d) The Chair will individually announce each land use case which is on the
5 consolidated land use public hearing agenda at the beginning of the consolidated public hearing.
6 Applicants may choose to make a presentation during the public hearing, but are not required to do
7 so.

8

9 10. *Agenda Order*

10 (a) Order on the agenda shall be established by the Chair, in consultation with
11 the County Executive, taking into account probable public interest and the need for staff or other
12 presentations. Insofar as is practicable, agenda order shall maximize convenience to the public and
13 minimize any adverse impact on performance of normal staff functions. The Board may amend the
14 agenda by majority vote.

15

16 (b) Matters neither included on the agenda nor disposed of during each
17 member's unrestricted time shall be taken up only if the presiding officer determines that:

18

(i) they are emergency in nature;

19

(ii) they involve persons who are present but would not be present
at a subsequent meeting; or

20

21

(iii) action is required by Robert's Rules of Order or these Rules of
Procedure.

22

23

24 11. *Minutes* – The Clerk shall keep minutes of the open meetings of the Board and shall
25 also maintain one recording, by means of electronic device, of the proceedings at any Board
26 meeting, except closed sessions. One copy of the minutes of the recorded proceedings shall be
27 made available by the Clerk to any person requesting same, with a fee to be paid to the County for
28 the cost of producing such copy. All copies shall be made by the County to fulfill requests by
29 members of the public.

30

31 12. *Closed Sessions* – Each agenda shall specify a time at each regular Board meeting of
32 the month, generally after all public business shall have been concluded during the afternoon
33 session, for closed sessions properly called. When so requested by the County Attorney, County

1 Executive, or any Board member, however, the Chair may permit a closed session at any other time
2 prior to consideration of any agenda item. Minutes shall not be kept of closed sessions.

3

4

SECTION G: ORDER IN CONDUCT OF BUSINESS

5

6 1. *Persons Addressing the Board* – Persons addressing the Board shall limit their
7 presentations to the time allotted by the Chair, unless the Board extends such time by unanimous
8 consent. The Chair, in allotting such time, shall take into account the complexity of the matter, its
9 importance in relation to other business of the Board, and the time available during the Board
10 meeting. At the discretion of the Chair, the conduct of business by the Board may be reordered to
11 allow earlier consideration of matters about which a substantial number of persons desire to
12 address the Board. Insofar as is practicable, persons addressing the Board shall furnish the Clerk
13 and members of the Board with a written copy of their remarks, at or before the meeting.

14

15 2. *Recognition* – Recognition shall be given only by the presiding officer. No person shall
16 address the Board without first having been recognized. When all public testimony has concluded,
17 and the Board is considering and discussing the matter, no person shall thereafter be recognized to
18 address the Board.

19

20 3. *Zoning and other Public Hearings* – Hearings on zoning applications and special use
21 permits shall be conducted as public hearings, provided that to the maximum extent possible, the
22 applicant's presentation shall be limited to twenty (20) minutes, which time may be divided as the
23 applicant sees fit. An applicant's time is typically divided into fifteen (15) minutes for presentation
24 and five (5) minutes for rebuttal. Speakers, other than the applicant, shall have three (3) minutes
25 each for their presentation. Persons representing and speaking on behalf of a civic association, a
26 home owners association, or any organizations formally recognized and current with Internal
27 Revenue Service and/or the Commonwealth of Virginia State Corporation Commission shall have
28 five (5) minutes for their presentation. In the event that there is a question as to whether an
29 organization is recognizable for purposes of the extended time limitation, the Chair shall so
30 determine. A speaker may not yield time to another speaker. Individuals wishing to speak at the
31 Public Hearing shall sign up in person to speak by providing their own name and address on a list
32 provided for this purpose by the Clerk to the Board. No one shall be allowed to sign another
33 individual's name on the list provided by the Clerk to the Board. Members of the public residing in

1 Prince William County shall be called to speak prior to members of the public residing outside of the
2 County.

3
4 a. The Board shall not conduct public hearings on residential land use matters
5 and/or land use matters of mixed use with a residential component, including applications for
6 special use permits, rezonings, and Comprehensive Plan amendments, during the intervening
7 period between the General Election for the Board seats and the seating of the new Board, unless
8 such action on the matter(s) is consistent with the applicable provisions of the Virginia Code. In
9 addition, County staff shall not schedule such residential land use matters and/or land use matters
10 of mixed use with a residential component for Planning Commission public hearing during this
11 intervening period, unless such action on the matter(s) is consistent with the applicable provisions of
12 the Virginia Code. As with any of the Rules of Procedure, the Board may waive this provision upon a
13 majority vote of a quorum of the Board during a Board meeting.

14
15 4. *Repetitive Testimony* – Testimony that is repetitive shall not be permitted on any
16 matter. Persons of the same position as a previous speaker shall simply state their names and the
17 positions with which they agree.

18
19 5. *Questions* – Questions by members of the Board shall be reserved for the end of a
20 presentation to avoid interrupting the speaker, disrupting the time-keeping process, and duplicating
21 ground the speaker may cover. Questions by members of the Board regarding the presentation or
22 item of business pending will not be counted toward the time for discussion and debate as
23 discussed below. Statements regarding the presentation or item of business pending shall be
24 reserved for Board Discussion as discussed below.

25
26 6. *Plans, Renderings, Exhibits* – Plans, renderings, and exhibits shall be permitted to be
27 used in the course of hearings on applications for rezoning and special use permits only when the
28 applicant shall first have provided the Board with instruments executed in such form as to assure
29 development and construction in conformity with any such plan, rendering, or other such graphic
30 exhibit in the event the requested zoning action is taken. Such instruments shall be held in escrow
31 by the County Attorney pending Board action, and shall be returned to the applicant in the event
32 such action is other than that requested, unless the applicant shall have consented on the record to
33 some other disposition of them.

1
2 7. *Board Discussion* – Discussion and debate by the Board shall be conducted following
3 the presentation of testimony on the item of business pending. Supervisors shall not speak to the
4 item until recognized by the Chair. A Supervisor who has spoken to the item shall not again be
5 recognized until each other member desiring to speak shall have had an opportunity to speak. A
6 Board member may only speak twice in discussion and debate of an item of business pending and
7 may speak up to five minutes each time; merely asking a question or making a brief suggestion is
8 not counted as speaking in debate, nor is the making of a secondary motion counted as speaking in
9 debate, so long as in making the motion the Board member makes no comment on the then-
10 pending question. Board members may not save time for another item, or transfer (yield) time to
11 another Board member. Discussion and debate by the Board shall be germane to the item of
12 business pending.

13 14 **SECTION H: DECORUM**

15
16 1. *Board Members* – Decorum of Board Members shall be maintained in order to
17 expedite disposition of the business before the Board. Questions and remarks shall be limited to
18 those relevant to the pending business. Supervisors shall address all remarks to the presiding
19 officer.

20
21 2. *Others* – Decorum of persons other than Board members shall be maintained by the
22 Chair, who may request such assistance as may appear necessary. Persons addressing the Board
23 shall limit their remarks to those relevant to the pending items, and to answering questions. The
24 Chair shall call the speaker to order; if out-of-order remarks, or other indecorous conduct persists,
25 the Chair may order the speaker from the lectern. The order with gavel, if not heeded, will then
26 cause the Chief of Police or the Chief of Police’s designee to carry out the order.

27
28 Persons whose allotted time to speak has expired shall be warned by the Chair to conclude
29 in one minute, after which such person shall leave the lectern, unless they are asked to remain to
30 answer questions from the Board. No persons in attendance shall be allowed to voice remarks
31 except as recognized by the Chair after audibly stating their name, address, and who they represent,
32 if applicable. Groups or individuals in the audience creating an atmosphere detrimental or
33 disturbing to the conduct of the meeting will be asked to leave by the Chair. The Chair may call a

1 recess when groups or individuals in the audience violate the rules on decorum, and/or threaten the
2 safety of any Board member or other person in attendance.

3
4

SECTION I: MISCELLANEOUS

5 1. *Robert's Rules of Order* – Robert's Rules of Order Newly Revised shall govern the
6 conduct of all meetings of the Board to the extent that they are not inconsistent with these Rules of
7 Procedure.

8

9 2. *Amendment of Rules* – These Rules of Procedure may be amended by majority vote of
10 the entire membership at the annual meeting. Any proposed amendment shall be subject to further
11 amendment at the meeting at which the vote is taken.

12

13 3. *Seating at the Dais and Reserved Area* – The Board members shall be seated at the
14 Board dais, with the County Executive at one end and the County Attorney at the other. The Chair at
15 Large shall sit at the center of the dais.

16

17 During a Board meeting, only members of the Board, the County Executive, County
18 Attorney, administrative staff, and other persons expressly invited shall be permitted to enter the
19 Area behind the Board dais, the adjacent hallway and the Potomac conference room.

20

21 4. *Press* – In the interest of serving the public, the County shall, to the extent possible
22 within the space available, provide work areas for the working press. These Rules of Procedure shall
23 govern the use of such space, and decorum therein.

24

25 5. *Supervisor's Office Expense Accounts.*

26 (a) Expenditures from appropriated office expense accounts for each individual
27 Supervisor or the Chair cannot be used for any cash donations or in-kind donations to any non-
28 governmental organization, or any governmental entity that is the recipient of appropriated funds in
29 the Prince William County budget;

30

31 (b) Expenditures from appropriated District or Chair Office expense accounts
32 cannot be used to sponsor non-official activities or for advertising in any publications associated
33 with those non-official activities. This limitation shall not be construed to limit Supervisor or Chair
34 sponsored events organized and funded by that Supervisor's or Chair's office. Funds can be used to

1 purchase a single ticket for admission to events for the individual District Supervisor or Chair and/or
2 a designated staff member when that event attendance is in furtherance of the official duties of the
3 District Supervisor or Chair;

4
5 (c) Any fund balances remaining in District Office or Chair's expense accounts at
6 the end of the fiscal year must be transferred to the County Capital Reserve or approved
7 infrastructure projects identified in the adopted Comprehensive Plan, at the direction of the District
8 Supervisor or Chair, provided that approval is granted by the Board of County Supervisors using
9 current procedures for reviewing and approving such expenditures. The Board will address all post-
10 fiscal year requests for transfers of remaining office funds to infrastructure projects, and after the
11 amount of funds available has been confirmed by audit with the audit results communicated to the
12 Board. Notwithstanding the above, a Supervisor or Chair may dedicate and maintain from their
13 existing Office expense account an Employee Reserve Fund, not to exceed ten percent (10%) of the
14 salary and benefit expense costs for the current fiscal year, to pay any unanticipated staff salary or
15 benefit obligations from year-to-year.

16
17 6. *Employees of Supervisor's Offices:*

- 18 • No Board Member will either pay or incur a legal obligation to pay overtime or
19 allow incurred comp time to Board office employees;
- 20 • No Board Member will employ or retain any full-time or part-time employee on
21 the County payroll who owns, is employed by, or is a contractor to any company
22 which has provided or provides services for hire to a political campaign of that
23 Board Member;
- 24 • No Board Member will engage or retain any vendor services using County funds
25 where the vendor has been or is retained by the political campaign of that Board
26 Member; and
- 27 • Every Board Member will follow Section 6.10 of the County Personnel Manual –
28 NEPOTISM, in hiring employees and managing Board Offices.

29
30 7. *Freedom of Information Act – Costs*

- 31 • As a policy matter, elected officials will not be treated any different from any
32 other member of the public, when the County charges the reasonable and actual

1 cost incurred by the County for responses to request for public records pursuant
2 to the Virginia Freedom of Information Act (FOIA);
3 • "Elected officials" includes, but is not limited to, members of the Board of County
4 Supervisors; and
5 • Payment of the reasonable and actual costs for responses to these requests
6 made by members of the Board of County Supervisors may not come from their
7 County operational budget or from other County funds.

Prince William Board of County Supervisors Policy Regarding the Attendance of Meetings Electronically Pursuant to § 2.2-3708.2, VA Code Ann.

The Prince William Board of County Supervisors may, in accordance with the applicable provisions of the Virginia Code and this Policy, conduct any meeting wherein the public business is discussed or transacted through electronic communication means.

This Policy shall be applied strictly and uniformly, without exception, to the entire membership of the Board 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.

A quorum of the Board shall be physically assembled at one primary or central meeting location as dictated by the Board's Meeting Calendar for a meeting to be conducted in accordance with Sections 1 and 2 of this policy.

In addition, the Board hereby directs the County Executive to make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

This Policy's requirements are as follows:

1. Except in cases of an Ordinance of Continuity of Government due to an enemy attack or other disaster, or in cases of a state of emergency declared by the Governor or Prince William County as discussed in Section 3 of this policy, a Member of the Board may electronically *participate* in a Board or committee meeting, open or closed:
 - a. If, on or before the day of a meeting, the Member of the Board notifies the Chair that:
 - i. Such member is unable to attend the meeting due to (1) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (2) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or
 - ii. Such Member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a Member pursuant to this subdivision is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater; and
 - iii. Request to electronically participate, and provide verifiable assurances and verification that participation in any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities;
 - b. In response to the notice and request, the Board shall:
 - i. Cancel the meeting if the member(s) physically present will not constitute a quorum;
 - ii. Approve or disapprove the request uniformly and without exception pursuant to the following standard:

1. Electronic participation from a remote location shall be approved unless participation violates this policy or any provisions of the Virginia Freedom of Information Act; and
 2. If electronic participation from a remote location is challenged for being in violation of this policy or any provisions of the Virginia Freedom of Information Act, the Members of the Board physically present at the subject meeting shall vote whether to allow such participation,
 - iii. If approved,
 1. record within the minutes
 - a. the fact that the Member participated through electronic means due to (1) a temporary or permanent disability or other medical condition that prevented the Member's physical attendance or (2) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance (the specific disability or medical condition is not required to be identified); or
 - b. the specific nature of the personal matter given by the Member electronically participating, and
 - c. the remote location from which the member is electronically participating (the remote location need not be open to the public), and
 2. make arrangements for the voice of the remote participant to be heard by all persons physically present at the meeting,
 - iv. If a Member's participation from a remote location pursuant to a personal matter is disapproved because such participation would violate the policy, such disapproval shall be recorded in the minutes with specificity. (The Member may continue to monitor the meeting from the remote location, but may not participate in the proceeding and may not be counted as present at the meeting.)
2. To electronically *monitor* a Board or committee meeting, open or closed,:
 - a. the Member shall NOT:
 - i. Be visible or audible to other Members of the Board, regardless of whether the other Members are physically present,
 - ii. Communicate by any means with other Members of the Board or their staff, until the meeting is adjourned,
 - iii. Be counted as present for any purpose, or
 - iv. Participate in any way.
 - b. the Member shall provide assurances and verification that monitoring any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities; and
 - c. the Board shall note within the meeting minutes each member electronically monitoring the meeting.

3. a. The Board, or any joint meeting thereof, may meet by electronic communication means without a quorum of the Board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, VA Code Ann. or Prince William County has declared a local state of emergency pursuant to § 44-146.20, VA Code Ann., provided that:
 - i. the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and
 - ii. the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities.
- b. The Board convening a meeting in accordance with this Section shall comply with the provisions of this Section and:
 - i. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
 - ii. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;
 - iii. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and
 - iv. Otherwise comply with the provisions of the Virginia Freedom of Information Act.
- c. The Member(s) shall provide assurances and verification that participation in any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities;
- d. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes; and
- e. The provisions of this section shall be applicable only for the duration of the emergency declared pursuant to § 44-146.17, VA Code Ann. or § 44-146.21, VA Code Ann.

MOTION: BAILEY

**June 22, 2021
Regular Meeting
Res. No. 21-366**

SECOND: BODDYE

**RE: AMEND BOARD OF COUNTY SUPERVISORS' RULES OF PROCEDURE – AMEND
POLICY FOR REMOTE PARTICIPATION**

ACTION: APPROVED

WHEREAS, the Prince William Board of County Supervisors reviews its adopted Rules of Procedure periodically to determine the necessity to make amendments or modifications; and

WHEREAS, during the 2021 Regular Session, the General Assembly amended Section 2.2-3708.2, VA Code Ann. regarding meetings held through electronic communication means, with the amendments to be effective July 1, 2021; and

WHEREAS, the Board desires to amend its Rules of Procedure to adopt an amended policy pursuant to the amended Section 2.2-3708.2, VA Code Ann.;

NOW, THEREFORE, BE IT RESOLVED that, effective July 1, 2021, the Prince William Board of County Supervisors hereby amends its Rules of Procedures to adopt an amended policy pursuant to amended Section 2.2-3708.2, VA Code Ann., to allow for remote participation by such Members of the Board as shown on the attached amended Policy;

BE IT FURTHER RESOLVED that the Clerk to the Board is instructed to provide public notice of this amended Policy as appropriate.

ATTACHMENT: Prince William Board of County Supervisors Policy Regarding the Attendance of Meetings Electronically Pursuant to Section 2.2-3708.2, VA Code Ann.

Votes:

Ayes: Angry, Bailey, Boddye, Candland, Franklin, Lawson, Vega, Wheeler

Nays: None

Absent from Vote: None

Absent from Meeting: None

For Information:

County Attorney

ATTEST: _____

Andrea P. Madden

Clerk to the Board

Prince William Board of County Supervisors Policy Regarding the Attendance of Meetings Electronically Pursuant to § 2.2-3708.2, VA Code Ann. and the 2020 Governor's Budget Amendments

The Prince William Board of County Supervisors may, in accordance with the applicable provisions of the Virginia Code and this Policy, conduct any meeting wherein the public business is discussed or transacted through electronic communication means.

This Policy shall be applied strictly and uniformly, without exception, to the entire membership of the Board 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.

A quorum of the Board shall be physically assembled at one primary or central meeting location as dictated by the Board's Meeting Calendar for a meeting to be conducted in accordance with Sections 1 and 2 of this policy.

In addition, the Board hereby directs the County Executive to make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

This Policy's requirements are as follows:

1. Except in cases of an Ordinance of Continuity of Government due to an enemy attack or other disaster, or in cases of a state of emergency declared by the Governor or Prince William County as discussed in Sections 3 and 4 of this policy, a Member of the Board may electronically participate in a Board or committee meeting, open or closed:
 - a. If, on or before the day of a meeting, the Member of the Board notifies the Chair that:
 - i. Such Member is unable to attend the meeting due to (1) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (2) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or
 - ii. Such Member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a Member pursuant to this subdivision is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater; and
 - iii. Request to electronically participate, and provide verifiable assurances and verification that participation in any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities;
 - b. In response to the notice and request, the Board shall:
 - i. cancel the meeting if the member(s) physically present will not constitute a quorum;

- ii. approve or disapprove the request uniformly and without exception pursuant to the following standard:
 1. Electronic participation from a remote location shall be approved unless participation violates this policy or any provisions of the Virginia Freedom of Information Act; and
 2. If electronic participation from a remote location is challenged for being in violation of this policy or any provisions of the Virginia Freedom of Information Act, the Members of the Board physically present at the subject meeting shall vote whether to allow such participation,
 - iii. If approved,
 1. record within the meeting minutes
 - a. the fact that the Member participated through electronic means due to (1) a temporary or permanent disability or other medical condition that prevented the Member's physical attendance or (2) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance (the specific disability or medical condition is not required to be identified); or
 - b. the specific nature of the personal matter given by the Member electronically participating, and
 - c. the remote location from which the member is electronically participated (the remote location need not be open to the public), and
 2. Make arrangements for the voice of the remote participant to be heard by all persons physically present at the meeting,
 - iv. If a Member's participation from a remote location pursuant to a personal matter is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity. (The Member may continue to monitor the meeting from the remote location, but may not participate in the proceeding and may not be counted as present at the meeting.)
2. To electronically monitor a Board or committee meeting, open or closed,
 - a. the Member shall NOT:
 - i. Be visible or audible to other Members of Board, regardless of whether the other Members are physically present,
 - ii. Communicate by any means with other Members of the Board or their staff, until the meeting is adjourned,
 - iii. Be counted as present for any purpose, or
 - iv. Participate in any way.
 - b. the Member shall provide assurances and verification that monitoring any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities, and

- c. the Board shall note within the meeting minutes each member electronically monitoring the meeting.
 3. a. The Board or any joint meetings thereof, may meet by electronic communication means without a quorum of the Board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, VA Code Ann. or Prince William County has declared a local state of emergency pursuant to §44-146.21, VA Code Ann., provided that:
 - i. the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and
 - ii. the purpose of the meeting is to address the emergency provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities.
 - b. The Board convening a meeting in accordance with this Section shall comply with the provisions of this Section and:
 - i. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
 - ii. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body; and
 - iii. provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and
 - iv. Otherwise comply with the provisions of 2.2-3708.2, VA Code Ann the Virginia Freedom of Information Act.
 - c. The Member(s) shall provide assurances and verification that participation in any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities; ~~and~~
 - d. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes; ~~and.~~
 - e. The provisions of this section shall be applicable only for the duration of the emergency declared pursuant to § 44-146.17, VA Code Ann. or § 44-146.21, VA Code Ann.
- ~~4. a. The Board may meet by electronic communication means without a quorum of the Board physically assembled at one location when the Governor has declared a state of emergency, provided:
 - i. ~~The nature of the declared emergency makes it impracticable or unsafe for the public body to assemble in a single location;~~
 - ii. ~~The purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body and the discharge of its lawful purposes, duties, and responsibilities;~~
 - iii. ~~The public body shall make available a recording or transcript of the meeting on its website;~~
 - iv. ~~Notice must be given to the public using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to the Board;~~~~

- ~~v. Arrangements shall be made for public access to the meeting including, to the extent practicable, videoconferencing technology;~~
 - ~~vi. If the means of communication allows, provide the public with an opportunity to comment;~~
 - ~~vii. Otherwise comply with the provisions of § 2.2-3708.2, VA Code Ann.; and~~
 - ~~viii. The minutes of the meeting shall state the nature of the emergency, the fact that the meeting was held by electronic communications means, and the type of electronic communications means used; and~~
- ~~b. the Member shall provide assurances and verification that participation in any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities.~~

MOTION: _____, 202__
SECOND: Regular Meeting
Res. No. 2__ -
RE: APPROVE REQUEST TO PARTICIPATE REMOTELY THROUGH ELECTRONIC COMMUNICATION MEANS

ACTION:

WHEREAS, the Prince William Board of County Supervisors (Board) adopted a policy in its Rules of Procedure pursuant to Section 2.2-3708.2, VA Code Ann., to allow for remote participation by Members of the Board; and

WHEREAS, in accordance with the Board's policy, _____ notified the Chair that the Member is requesting permission from the Board to electronically participate at the Board's _____ meeting; and

WHEREAS, the Member certified that (*check A or B*):

A. _____ the Member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the Member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; OR

B. _____ the Member is unable to attend the meeting due to the following specifically identified personal matter: _____.

AND the Member has not already participated electronically due to a personal reason in excess of two meeting this calendar year, or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater; and

WHEREAS, the remote location from which the Member plans to electronically participate is _____; and this remote location will/will not (*circle one*) be open to the public (*need not be open to the public*); and

WHEREAS, the Member verifies that the Member's participation in any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities; and

WHEREAS, pursuant to the Board's policy, a request for electronic participation from a remote location shall be approved unless participation violates the Board's policy or any provisions of the Virginia Freedom of Information Act;

_____, 202__
Regular Meeting
Res. No. 2__ -
Page Two

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors hereby approves the request to participate in the meeting through electronic communication means in accordance with the Board's policy; a quorum of the Board was physically assembled at one primary or central meeting location; and arrangements were made for the voice of the Member to be heard by all persons at the primary or central meeting location.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

County Attorney

ATTEST: _____
Clerk to the Board

REQUEST TO PARTICIPATE REMOTELY THROUGH ELECTRONIC COMMUNICATION MEANS

In accordance with Virginia Code Section 2.2-3708.2 and the Rules of Procedure of the Board of County Supervisors, I hereby notify the Chair that I am requesting permission from the Board of County Supervisors (Board) to electronically participate at the Board's _____ meeting.

(insert date)

I. I hereby certify that *(check A or B)*:

A. _____ I am unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents my physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; OR

B. _____ I am unable to attend the meeting due to the following specifically identified personal matter:

(insert personal matter)

AND I have not already participated electronically due to a personal reason in excess of two meeting this calendar year, or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater; AND

II. The remote location from which I plan to electronically participate is

(insert location)

This remote location will/will not *(circle one)* be open to the public *(need not be open to the public)*; AND

III. I verify that my participation in any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities.

DATE: _____
(on or before day of meeting)

Member of the Board

* * * * *

This form should be provided to the Chair and the Clerk to the Board on or before the date of the meeting and shall be included in the meeting minutes.

Board Action on Request:

_____ Approval, (i) upon which the Member participated in the meeting through electronic communication means; (ii) a quorum of the Board was physically assembled at one primary or central meeting location; and (iii) arrangements were made for the voice of the Member to be heard by all persons at the primary or central meeting location.

_____ Disapproval; upon which the Member did not participate in the meeting through electronic communication means; although the Member may have monitored the meeting through electronic communication means. If the request pursuant to Section I(b) was disapproved because such participation would violate the Board's policy or any provision of FOIA, such disapproval shall be recorded in the minutes with specificity.