

**BY-LAWS
OF
THE BERKELEY COUNTY PLANNING COMMISSION**

ARTICLE I – THE PLANNING COMMISSION

Section 1 – Name of the Planning Commission

The official name of the Planning Commission shall be The Berkeley County Planning Commission.

Section 2 – Objectives

The objectives and purposes of the Berkeley County Planning Commission are those set forth in Chapter 8A Article 2 of the West Virginia Code.

ARTICLE II – OFFICERS

Section 1 – Officers

Annually at the first (by WV Code) regular meeting of the Planning Commission held in the month of January, the Planning Commission shall elect a President and a Vice-President.

Section 2 – President

The President shall preside at all meetings of the Planning Commission and at other meetings and public hearings called by the Planning Commission. The President shall call special meetings of the Planning Commission when required, and shall transmit reports, plans, and recommendations to the Planning Commission to the appropriate governing authority and shall act as a spokesperson for the Planning Commission. The President will duly appoint those committees as prescribed by the by-laws of the Planning Commission and may create such other committees as necessary to conduct the business of the Planning Commission.

Section 3 – Vice President

The Vice-President shall serve as Chairperson of the Planning Commission in the absence or disability of the President. In the event of a death, or resignation of the President, the Vice-President shall perform the latter's duties until such time as the Planning Commission shall elect a new President.

Section 4 – Additional Duties

The President and Vice President shall perform such other duties and functions as may from time to time be required by the Planning Commission or its by-laws. In the event that both the President and Vice President are absent from a regular meeting of the Planning Commission, the meeting shall be called to order by another commissioner elected at the time to preside over that meeting only.

ARTICLE III – COMMITTEES

Section 1 – Planning Commission Committees

The President under the authority of the Planning Commission granted herein shall appoint the committees as defined in this article. He/she may at his/her discretion or at the request of the membership of the Planning Commission appoint committees for specific purposes or duties from time to time as necessary for the ongoing business of the Planning Commission. No Committee at any time shall have independent authority to act on behalf of the Planning Commission but shall provide written recommendations for action by the full Planning Commission at a regular meeting.

ARTICLE IV – MEETINGS

Section 1 – Regular Meetings

The Planning Commission shall hold regular meetings in accordance with a published schedule set by the Planning Commission prior to the end of the calendar year for the upcoming year. The Planning Director, after consulting with the President, may cancel a meeting at least seventy-two (72) hours in advance if it is determined there is not sufficient business to warrant the regular meeting. Any business that could have been on the canceled meeting's agenda shall be placed on the next regular meeting agenda.

Section 2 – Special Meetings

Special meetings may be called by the President provided that forty-eight (48) hours advance notice is given each member and that an agenda is posted to media and the public in no less than forty-eight (48) hours prior to the meeting.

Section 3 – Quorum

A quorum shall consist of a majority of the members of the Planning Commission. On occasion, it is necessary for a Planning Commission member to participate in a meeting remotely. This member shall be available via a direct dial communication (i.e. speakerphone), with the ability to listen and to be heard, as a participant in the meeting. Such remote participation shall be included in a quorum count. No action shall be taken by the Planning Commission without a quorum present.

Section 4 – Attendance

The Planning Commission shall forward the attendance records to the County Council for their consideration for members seeking reappointment to the Commission.

Section 5 – Voting

Each member of the Planning Commission shall vote (by yea or nay) on each issue, unless the member has abstained or recused himself/herself.

A member shall abstain from a vote in the event he/she considers himself/herself to be ill informed on the issue or otherwise is uncomfortable with casting a vote. If the member has a conflict of interest or would otherwise violate the law or an ethical rule or regulation by discussion of the issue and casting a vote thereon, he/she shall recuse himself/herself and shall state such reason for the record before temporarily exiting the meeting.

Section 6 – Order of Business

The order of business at all regular meetings shall be as follows: (a) Call to Order; (b) Roll Call; (c) Adoption of the Agenda; (d) Approval of the minutes of the previous meeting; (e) Open Governmental Procedures; (f) Public hearing; (g) Unfinished business; (h) New business; (i) Adjournment.

Section 7 – Presentations before the Planning Commission for Purpose of Sunshine Law

Any presentation to the Planning Commission shall be limited to three (3) minutes, whether for or against a request. The Planning Commission, by majority vote of those present, may suspend the time limitations specified herein; provided, that such suspension shall apply to all who wish to speak and have signed the sign-up sheet. Any comments may be submitted in writing.

Section 8 – Public Meetings and Records

All meetings of the Planning Commission shall be open to the public and all records of the Planning Commission, excepting those relating to matters in executive session, shall be of public record.

ARTICLE V – ANNUAL ACTIVITY REPORT

Section 1 – Reporting Requirements

The Planning Commission shall oversee the preparation of an Annual Activity Report for review by the Planning Commission for the period beginning in January and ending in December. The report shall be reviewed and approved by the Planning Commission and forwarded to the County Council for their consideration.

ARTICLE VI- AMENDMENTS TO BY-LAWS

Section 1 Amendments to By-Laws

Changes may be made to the by-laws of the Planning Commission by the affirmative vote of two-thirds of the members of the Planning Commission.

Adopted --- January 18, 1965

Amended – April 2, 1979

Amended – August 18, 1980

Amended – April 4, 1994

Amended – August 19, 2002


Amended – February 24, 2003

Amended – November 7, 2011(Article IV, Section 1)

Amended – March 25, 2013 (Article IV, Section 5)

Amended – May 6, 2013 (Article IV, Section 4)

Amended – June 17, 2019 (Article IV, Section 2,3, 5, 7, 8)

signed 
Linda Barnhart
President