

**TOWN OF LEESBURG, VIRGINIA
BOARD OF ARCHITECTURAL REVIEW**

**Bylaws and Rules of Procedure
Adopted 5 April 2010**

**ARTICLE I
BYLAWS**

Section 1.1 Applicable Legislation. The Board of Architectural Review, hereinafter 'BAR', is established pursuant to Section 15.2-2306 of the Code of Virginia and governed by provisions in Sections 2.3, 3.10, 3.11, 7.5, 7.6, and Article 15 of the Leesburg Zoning Ordinance. Other legislation applicable to the BAR includes the Virginia Freedom of Information Action (Sections 2.1-340 through 2.1-346.1 of the Code of Virginia) and the State and Local Government Conflict of Interests Act (Sections 2.1-639.1 through 2.1-639.24).

Section 1.2 Membership. The composition of the nine (9)-member BAR shall be seven (7) voting members and two (2) non-voting members appointed as follows:

Section 1.2.a Voting Members. The voting members of the BAR are appointed by the Leesburg Town Council in accordance with Section 2.3.3.B of the Leesburg Zoning Ordinance.

Section 1.2.b Non-Voting Members. In the year of an election, the Town Council appoints from its membership a representative to serve as a non-voting member of the BAR. In January of each year, the Planning Commission appoints from its membership a representative to serve as a non-voting member of the BAR. The term of the Town Council representative and Planning Commission representative correspond to their tenure of office as designated.

Section 1.3 Attendance and Removal.

Section 1.3.a Attendance. All voting and non-voting members of the BAR are expected to attend every Regular Business Meeting of the full board.

Section 1.3.b Removal. Any member of the BAR may be removed for malfeasance in office by the Town Council without limitation.

Section 1.4 Officers. The BAR officers shall be a Chairman, Vice-Chairman and Parliamentarian.

Section 1.5 Election of Officers. By a simple majority of the voting members present, the BAR shall elect the Chairman, Vice-Chairman, and Parliamentarian in January, or the first Regular Business Meeting, of each year. Each officer's term of service shall begin at the conclusion of the meeting at which the election takes place and continue through the meeting at which his/her successor is elected. In the event that a quorum does not exist at the January meeting, the BAR shall elect officers at the next Regular Business Meeting at which a quorum is established. In the event that a vacancy is created due to an officer not being reappointed in July of an election year, the BAR shall elect from its membership an individual to serve out the remainder of the official term until elections the following year.

Section 1.6 Term Limits. In order to encourage a more fluid exchange of ideas and stronger oversight of the BAR through regular organizational turnover:

Section 1.6.a No officer elected in accordance with Section 1.5 above shall serve more than two (2) consecutive one (1)-year terms in the same office.

Section 1.6.b A period of twelve (12) months must pass prior to the election of a member to an office previously held for two (2) consecutive terms.

Section 1.6.c Any BAR member elected to fill the remainder of an expired term of any officer may subsequently be elected for two (2) additional full terms in the same office without violating the provisions of **Section 1.6.a** above.

Section 1.7 Duties of Officers. The duties of the BAR officers are as follows:

Section 1.7.a Chairman. The Chairman shall preside over all meetings at which s/he is present and shall sign all official correspondence, including minutes, of the BAR unless otherwise designating these responsibilities to the Vice-Chairman, or in the event of the Vice-Chairman's absence, the Parliamentarian, as the need arises. The Chairman shall serve as the primary liaison to Town staff and, as necessary, shall represent or appoint another BAR member to represent the BAR before the Town Council or other boards and commissions. The Chairman may, as is determined necessary from time to time, call a meeting of the BAR for a date and/or time other than the regularly designated date and time.

Section 1.7.b Vice-Chairman. The Vice-Chairman shall discharge the duties of the Chairman during the absence or disability of the Chairman.

Section 1.7.c Parliamentarian. The Parliamentarian shall discharge the duties of the Vice-Chairman during the absence or disability of the Vice-Chairman. The Parliamentarian shall advise the Chairman and, as necessary, Vice-Chairman, on questions of parliamentary procedure and rules of order. In the event that a ruling of order is necessary, only the Chairman, and not the Parliamentarian, can issue such a ruling.

Section 1.8 Bylaws Committee. A committee composed of two (2) members of the BAR shall consider all proposed amendments to these Bylaws and Rules of Procedure and make its recommendation to the BAR prior to action on such amendments.

Section 1.9 Nominating Committee. A committee composed of one (1) or more members of the BAR shall be established in November of each year by the Chairman and shall present to the full membership in December a slate of three candidates recommended for nomination as the Chairman, Vice-Chairman, and Parliamentarian. Establishment of a slate of candidates by the Nominating Committee does not preclude nominations from the floor during the election.

Section 1.10 Other Committees. As necessary, the BAR may create committees from its membership to address issues pertinent to the activities or procedures of the BAR. Any such committee thus created shall have such membership requirements, terms, and powers as determined appropriate by the BAR. The Chairman shall be a member *ex officio* of any such committee.

Section 1.11 Meetings.

Section 1.11.a Regular Business Meetings. Unless otherwise designated, Regular Business Meetings of the BAR shall be held on the third (3rd) Monday of each month beginning at 7:00 PM in Town Council Chambers. It shall be the practice of the BAR to hold public hearings on the application caseload during the Regular Business Meeting.

Section 1.11.b Work Sessions. Work Sessions of the BAR shall be scheduled for the first (1st) Monday of each month beginning at 7:00 PM in the Town Council Chambers. At the request of the Chairman or any three members of the BAR, the BAR may hold a Work Session at such time and place as the BAR may determine appropriate. As necessary, the BAR may hold a public hearing at a Work Session, provided all public notice is provided as required by the Zoning Ordinance and the Freedom of Information Act.

Section 1.11.c Annual Organizational Meeting. In November of each year, the BAR shall hold an organizational meeting to include but not be limited to the review and approval of the meeting

schedule for the next calendar year, establishing administrative priorities, and planning for training opportunities.

Section 1.12 Notice. Notice of all meetings of the BAR shall be as prescribed by the Zoning Ordinance and as required by the Virginia Freedom of Information Act and the State and Local Government Conflict of Interests Act.

Section 1.13 Annual Report. As required by the Zoning Ordinance, in January of each year, or as otherwise dictated by the Town Council, the BAR shall issue an Annual Report to the Town Council of the activities of the previous Calendar Year. The Annual Report shall include the number of cases reviewed, the number of cases approved in one meeting, the number of cases approved after one or more deferrals, and the number of cases denied. The report shall also include a summary of any notable cases or other issues addressed by the BAR during the previous Calendar Year.

Section 1.14 Training. To encourage development of an educated board, the BAR shall develop a training plan at the Annual Organizational Meeting to address the educational needs of the current board members and fulfill the requirements of the Certified Local Government program. Such a program may refer to regional, statewide, and national workshops and conferences that are available as well as the development of Town-based training opportunities.

ARTICLE II RULES OF PROCEDURE

Section 2.1 Roberts Rules of Order. When conducting meetings, the BAR shall follow Robert's Rules of Order.

Section 2.2 Quorum. A quorum of four (4) voting BAR members present is required for the BAR to take action on any case or administrative matter.

Section 2.3 Order of Business for Regular Meetings. The order of business for Regular Business Meetings of the BAR shall be as follows:

- Call to order
- Roll call and acknowledgment of quorum
- Approval of minutes
- BAR member disclosures
- Public comment and presentations
- Consent agenda
- Remarks by petitioners
- Public hearings on deferred cases in the H-1 Overlay District
- Public hearings on new cases in the H-1 Overlay District
- Public hearings on deferred cases in the H-2 Overlay District
- Public hearings on new cases in the H-2 Overlay District
- Public hearings on deferred comprehensive sign plans outside the overlay districts
- Public hearings on new comprehensive sign plans outside the overlay districts
- Staff report on administrative approvals
- Old business
- New business
- Adjournment

Section 2.4 Public Hearing Procedure. Procedural rules for public hearings on applications shall be as follows:

- Open public hearing
- Staff presentation
- Applicant presentation
- Public testimony/comments

Applicant rebuttal
Questions from BAR members
Close public hearing
BAR discussion
BAR vote to take action or defer
Advise public of next steps in the process

Section 2.5 Order of Business for Work Sessions. The order of business for Work Sessions of the BAR shall be as follows:

Call to order
Roll call and existence of quorum
BAR member disclosures
Discussion of cases deferred from a Regular Business Meeting
Old business
New business
Adjournment

Section 2.6 Decision making. In order to facilitate defensible decision making, the BAR shall comply with the following when taking action on any case:

Section 2.6.a Motions. Action on all motions shall be by voice vote unless the Chairman requests a roll-call vote. The BAR shall vote on all motions, including motions to defer. An affirmative vote of the majority of the members present is required to pass any motion. In the event of a tie vote, the motion shall be considered failed. In the event that any motion fails, the Chairman shall call for a new motion.

Section 2.6.b Timely Action. The BAR shall take action on each application in a timely manner and in accordance with Zoning Ordinance Sections 3.10.5 and 3.11.8.

Section 2.7 Chairman's Prerogative.

Section 2.7.a To set the consent agenda. At the beginning of the Regular Business Meeting, the Chairman shall state which cases, if any, are suitable for inclusion on the Consent Agenda, to be approved without discussion.

Section 2.7.b To rearrange order of agenda. At the Chairman's discretion, the order of any Regular Business Meeting or Work Session may be rearranged at that particular meeting.