

MEMORANDUM

To: Ms. Beverly Pender, Acting City Clerk

From: Richard C. Hartwick, Assistant City Attorney *RC*

Re: Utility Review Board's Bylaws

Date: June 2, 2015

Attached please find the Utility Review Board's Bylaws. The Utility Review Board's Bylaws have recently been approved by the Board and pursuant to City Code §2-310, are now required to be submitted to the City Council for review and approval. I kindly ask that you submit the Utility Review Board's Bylaws to City Council for their review and approval. Once the bylaws are either approved or denied, please notify me at you earliest opportunity. If you should have any questions or concerns, please do not hesitate to contact me.

Enclosure(s)

cc:

Thomas Bryan, Chairman
David Jurgens, Director of Public Utilities
Eric Martin, Director of Public Works

CITY OF CHESAPEAKE, VIRGINIA
UTILITY REVIEW BOARD

BYLAWS

ARTICLE I: COMMITTEE

1. The name of the advisory committee shall be the Utility Review Board (URB), which was created by ordinance adopted by the Chesapeake City Council on August 25, 1970, and which is set out in Chesapeake City Code Chapter 78, Section 78-51, as amended.
2. The committee shall derive its authority from and be administered by the Chesapeake City Council (City Code Section 78-51, as amended).

ARTICLE II: DUTIES AND PURPOSE (City Code Section 78-51, as amended)

1. It is the intent of this section that all questions of interpretation and enforcement of section 78-52 shall be first presented to the director of public utilities. Appeals may be made to the utility review board by any interested party from any interpretation or application of section 78-52 by the director of public utilities. All such appeals must be made in writing and filed with the department of public utilities within 30 days of the decision of the director.
2. The utility review board shall have the power and duty to authorize upon appeal, in the cases enumerated in this subsection, only such variance from the terms of section 78-52 as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of this article would result in unnecessary or undue hardship, provided that the spirit of this article shall be observed and substantial justice done. The variance may be granted where it is shown by substantial evidence that:
 - (a) The owner or tenant is unable to pay the required connection fees under section 78-87 or to make connections required under section 78-52 owing to peculiar financial difficulties; or
 - (b) The owner or tenant is unable to cause his or her premises to be connected with a public water and sanitary sewer line as required by section 78-52, due to an absence of available plumbers to perform the required connection; or
 - (c) Through negligence, error or other causes, the owner or tenant has not received notice of mandatory connections to the city water and/or sanitary sewer lines, as required by section 78-52; or

(d) The property is in possession of a lessee; the lease will expire within six months from the date mandatory connection is required; and at the termination of the lease, the property will revert to an unimproved status; or

(e) The title to property subject to the provisions of section 78-52 has been or will be taken by purchase or condemnation for public purposes by any authority which possesses the power of eminent domain as provided by law; or

(f) The owner or tenant of a single-family residence will be caused to expend unreasonable or prohibitive costs in order to cause such premises to be connected to the city water and/or sanitary sewer facilities.

3. The committee shall hold at least one public hearing, notice of which shall be published electronically in a prominent place on the City website no less than seven calendar days prior to the date of the public hearing.

ARTICLE III: MEMBERSHIP

1. A utility review board is established, which shall consist of the director of public utilities, the director of public works and five additional members, who shall be appointed by the city council and who shall be residents of the city at the time of their appointment and during the term of their office. The citizen members serving on the utility board shall serve three-year terms. Vacancies shall be filled by the council by appointment for the unexpired portion of the term. The board shall elect annually a presiding officer and shall make rules and forms for its procedures consistent with the laws of this city and of the commonwealth.
2. All vacancies on the committee shall be filled by the City Council for the unexpired portion of the term. Ex officio members shall not be subject to term limits but shall serve at the discretion of the City Manager and/or their respective office or department head.
3. A term year will begin on June 1 and end on May 31 of the following year.
4. The members of the committee shall serve without compensation or reimbursement of expenses.
5. Any voting member of the committee may be removed at the pleasure of City Council. (City Code Sections 2-307)
6. The committee may, by a three fifths (3/5) quorum vote, recommend the removal of a member to the City Council for sufficient cause to be determined by City Council.

7. Absence from seventy-five percent (75%) of the regularly scheduled meetings on an annual basis, without reason or excuse approved by a majority vote of a quorum of the URB shall be sufficient cause for such a recommendation for removal by the URB to be forwarded to the City Council. (City Code Section 2-307)

ARTICLE IV: MEETINGS

1. The committee shall meet as necessary to review and make recommendations concerning any proposed
2. All meetings of the committee or subcommittees shall be open to the public.
3. Regular meetings of the committee shall be held at the Chesapeake Department of Public Utilities, 306 Cedar Road, 2nd floor, Chesapeake, Virginia 23322. The committee shall meet no less than quarterly.
4. The chairperson shall set the date and time of all regular committee meetings. Written notification of all regular meetings shall be sent to the committee members' addresses as provided. Written notification shall also include email notification. Notification shall be sent not less than five (5) days in advance of any regular meeting.
5. Special meetings of the committee may be held at any time. The chairperson may call a special meeting when deemed in the best interest of the committee, or shall call a special meeting when requested to do so in writing by a majority of the voting members of the committee. Notice of a special meeting shall be mailed to all committee members at their addresses as provided at least ten (10) days before the scheduled date set for such special meeting.
6. Closed meetings of the committee or subcommittees may be called only for such limited purposes pursuant to Virginia Code Section 2.2-3711.

ARTICLE V: VOTING

1. Official action shall be taken by the committee only when a quorum is present. A quorum shall consist of a majority of the members of the committee, except that the total membership for purposes of calculating a quorum shall consist only of those membership positions that have been appointed by City Council, excluding any vacancies that have existed for two months or more in membership positions due to term expiration, tendered or accepted resignation, removal, or other causes.

2. Any vote by such committee on any issue shall have no force or effect unless or until taken in open session in a manner in which the decision of each member can be publicly observed. (City Code Section 2-310)
3. Any motion made by a member of the committee in regard to any matter must receive a second from another member in order for any vote to be taken on such motion. When a motion is made and receives no second, the motion shall be deemed dismissed from consideration. (City Code Section 2-310)
4. Every voting member of the committee present at a meeting of the committee shall vote on each matter placed before the body for vote, unless the matter involves consideration of the member's own official conduct or where that member's financial interests are involved or where that member is otherwise prohibited by law, he or she shall specifically cite the conflicting interest of the legal prohibition at the time his or her vote is required. (City Code Section 2-310)

ARTICLE VI: ORDER OF BUSINESS

1. Roll Call.
2. Reading of the Minutes of the preceding meeting.
3. Reports of Officers.
4. Old and Unfinished Business.
5. New Business.
6. Adjournment.

ARTICLE VII: OFFICERS

1. No member will be nominated or voted on for office without his or her consent.
2. The elected officers of the URB shall be the Chairperson and the Vice-Chairperson.
3. Members nominated to serve as officers shall have served on the URB for at least one year.
4. A candidate receiving a majority vote of the appointed members of the URB shall be declared elected and shall serve a term of one (1) year, that being the year beginning with the date of their election. Officers may succeed themselves if re-nominated and re-elected. Regular election procedures shall be used to fill vacancies. Vacancies will be filled for the remainder of the original term.
5. The duties of the Chairperson shall be as follows: (a) to preside at all meetings of the committee; (b) to appoint all subcommittees, including a

nominating committee, with the approval of the committee; (c) to serve as an ex officio member of all subcommittees except the nominating committee; (d) as an appointed member, the Chairperson shall have the privilege of discussing all matters before the committee and to vote thereon as required by City Code Section 2-310; (e) to call any special meeting of the committee; (f) to arrange for written notification of regular and special meetings to be sent to the committee members' addresses provided therefore; (g) to prepare recommendations to City Council, as appropriate; (h) to speak on behalf of the URB at City Council work sessions and meetings, as appropriate; (i) to perform such other duties as the committee may direct.

6. The duties of the Vice-Chairperson shall be as follows: (a) to perform the above duties of the Chairperson in the absence or incapacity of the Chairperson, unless the Vice-Chairperson also, because of involvement in the debate or for any other reason, should disqualify himself from presiding in the particular case; (b) as an appointed member, the Vice-Chairperson shall have the privilege of discussing all matters before the committee and to vote thereon as required by City Code Section 2-310; (c) to serve with the Chairperson as an ex officio member of all subcommittees except the nominating committee.
7. If neither the Chairperson nor Vice-Chairperson is present, a member of the committee will call the meeting to order, and the assembly will immediately elect a Chairperson pro tem to preside during that session. Such office shall be terminated by the entrance of the Chairperson or the Vice-Chairperson, or by the election of another Chairperson pro tem.
8. The City employee assigned as clerical support shall prepare meeting agendas and keep the minutes and records of the committee in appropriate books. It shall be that employee's duty to file any certificate required by any statute, federal or state. Said employee shall give and serve all notices to members of the committee; shall be the official custodian of the committee's records, and shall present to the committee at any meetings thereof any communication addressed to the employee as clerical support of the committee.

ARTICLE VIII: COMMITTEES

1. The Chairperson shall appoint a nominating committee at the last meeting of the calendar year. The nominating committee shall be approved by the URB and be comprised of a Chairperson of the committee and two other members. The nominating committee shall present a slate of officers at the first meeting of the calendar year. Nominations from the floor shall be in order with regular election procedures to follow. Election shall be by voice vote unless there is more than one nominee for any office; then voting shall be by ballot, with a majority electing.

2. Any other standing or special committees shall be created or dissolved by the URB as circumstances dictate.

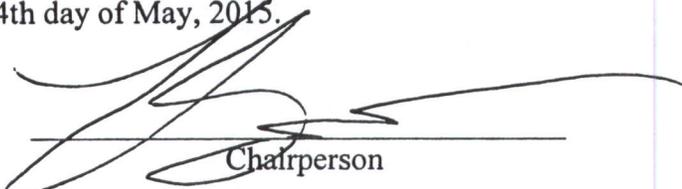
ARTICLE IX: AMENDMENTS

1. Any proposed amendment to the bylaws must be made in writing to the Chairperson, who in turn shall refer to the committee for review.
2. Changes may be made to the bylaws with affirmative recorded roll call vote of a majority of the members of the committee. Changes in the bylaws shall be made only if notice is given at the meeting preceding the date at which the change is to be voted on unless such notification shall have been given in writing to each member of the committee at least seven (7) days in advance of the meeting.

ARTICLE X: PARLIAMENTARY AUTHORITY

Robert's Rules of Order Newly Revised (10th edition and as amended) shall be the parliamentary authority for this committee, and in compliance with Section 2-310 of the Chesapeake City Code.

Approved by the membership this 4th day of May, 2015.



Chairperson