

**Hampton Roads Region
Portsmouth and Chesapeake
Joint Land Use Study**

JLUS Policy Committee Bylaws and Operating Procedures

May 14, 2019

This document was prepared under contract with the Hampton Roads Planning District Commission (HRPDC), with financial support from the Office of Economic Adjustment, Department of Defense. The content reflects the views of the HRPDC and does not necessarily reflect the views of the Office of Economic Adjustment.

Article I – Statement of Principles

1. The cities of Portsmouth and Chesapeake are home to several military installations, including Naval Medical Center Portsmouth, Norfolk Naval Shipyard, Craney Island Fuel Terminal, and related facilities. These installations are vital national military assets that serve the operational needs of the U.S. Navy.
2. These installations have a significant impact on the region's economy and cultural heritage, employing over 15,000 military and civilian personnel and generating significant economic activity within the region.
3. Community development near installations can affect the operations, readiness, and long-term viability of the installations. Local leaders recognize that sustaining military operations in Hampton Roads contributes to the economic health of the localities, Hampton Roads region, and the Commonwealth of Virginia.
4. Actions and decisions made by military installations, stakeholders, and local governments directly impact each other. Coordination across sectors and among jurisdictions, including military installations, is essential to identifying and implementing long-term, mutually beneficial development strategies.
5. In addition to challenges such as traffic congestion, water quality, and aging infrastructure, sea level rise and recurrent flooding are causing additional challenges for Portsmouth and Chesapeake and the Navy installations located in these communities.
6. The Hampton Roads Region – Portsmouth and Chesapeake Joint Land Use Study (JLUS) will identify and promote measures that prevent the introduction of incompatible civilian development that may impair the continued operational utility of the military installation, and to preserve and protect the public health, safety, and welfare.
7. Local leaders enter into this Joint Land Use Study committed to a fair and open process of examining land use and development issues around the installations, enhancing communication between the installations and the community and implementing practical policies, programs, and projects geared to sustaining and enhancing the installations and the quality of life in the neighboring communities and region as a whole.
8. Local leaders also recognize that any and all such practical policies, programs, and projects considered and/or adopted must be carefully designed to minimize and prevent any unnecessary impacts or restrictions upon sustaining and enhancing community and economic development opportunities within the affected communities.
9. This JLUS is entered into in good faith by each of the participating local governments primarily for informational and cooperative purposes. Participation shall not result in any

loss of rights or remedies, nor be deemed a waiver by any participant of the same. Notwithstanding anything herein to the contrary, no participant and/or local government shall be deemed to be bound by, or otherwise to waive any objections to, any or all policies, programs, projects, or any other plans or regulations of any kind generated, promulgated, or adopted by this JLUS, unless and until the governing body of such participant and/or local government has affirmatively agreed in writing to be bound thereby or to waive any such rights and/or remedies.

Article II – Definitions

The following definitions shall apply to terms used in these Bylaws.

- A. **Encroachment.** Any non-Navy action planned or executed which inhibits, curtails, or possesses the potential to impede the performance of Navy activities.
- B. **Installation.** The land, facilities, airspace, and ranges which provide direct mission support to and/or are utilized by the installation. This includes a combination of land and facilities comprised of a main installation and its noncontiguous properties (auxiliary air fields and annexes) that provide direct support to or are supported by that installation. Installations may comprise two or more properties.
- C. **Mission footprint.** The installation plus any land, facilities, airspace, and/or ranges which provide direct, routine support to the mission.
- D. **Compatible use.** Uses of land, water, or airspace by the military or others that can co-exist with minimal adverse effects.
- E. **Joint Land Use Study.** A community-driven, cooperative, strategic planning process among localities, states, and military installations, the goal of which is to encourage local governments to work closely with the military installations to implement measures that prevent the introduction of incompatible civilian development that may impair the continued operational utility of the military installation, and to preserve and protect the public health, safety, and welfare of those living near an active military installation.
- F. **Study sponsor.** The local or state government that assumes a leadership role in undertaking a Joint Land Use Study, serves as the Department of Defense Office of Economic Adjustment grantee, maintains accountability for grant activities and reporting requirements, serves as the contracting agent for consultant services, and performs coordinating activities related to the successful completion of the Joint Land Use Study. The Hampton Roads Planning District Commission is the Study Sponsor for this JLUS.

Article III – Organization

The organization for the Joint Land Use Study shall consist of the JLUS Policy Committee and JLUS Technical Committee. The Joint Land Use Study Sponsor shall appoint a JLUS Project Manager to provide administrative support to the Committees and Working Group(s) and day-to-day interface with the consultant and Office of Economic Adjustment.

- A. JLUS Policy Committee – The JLUS Policy Committee is comprised of representatives from the City of Chesapeake, City of Portsmouth, Hampton Roads Planning District Commission, and U.S. Navy. The JLUS Policy Committee is charged with providing overall project leadership, developing community development recommendations, attending public outreach events, and providing direction related to consultant activities. The JLUS Policy Committee shall serve as the executive forum for cooperative decision-making among local governments in close proximity to the installations' mission footprint.
- B. JLUS Technical Committee – The Committee shall consist of technical staff from the participating localities, U.S. Navy, U.S. Army Corps of Engineers, HRPDC, and other federal and state agencies. The Technical Committee is responsible for, with the selected consultant, data collection, identifying and studying technical issues, evaluating alternatives, and developing recommendations for JLUS Policy Committee consideration. All members will be knowledgeable in the subject area and will provide local input.

Article IV – Membership

The following rules shall govern the procedure, membership, and records of the JLUS Policy Committee.

- A. Membership. The voting members of the JLUS Policy Committee shall be representatives of the participating local governments. Ex officio non-voting members of the JLUS Policy Committee shall be: Executive Director, Hampton Roads Planning District Commission; Commander, Naval Facilities Engineering Command, Mid-Atlantic; Commander, Norfolk District, U.S. Army Corps of Engineers. The voting members of the JLUS Policy Committee may invite other representatives as additional non-voting members through a majority vote.
- B. Appointees. Voting representatives of voting entities shall be appointed by and serve at the pleasure of their city councils, which may appoint members from their jurisdiction, including whenever possible, elected officials and/or lead staff representatives to serve on the JLUS Policy Committee. Appointees with the approval of their respective boards may appoint or

delegate alternates to attend meetings for which they are not available and to vote in their place. Delegate appointments shall be provided in writing to the Chair and the JLUS Project Manager prior to the start of the meeting whenever possible, or upon arrival if any such alternate or delegate arrives at any meeting already in progress.

- C. Standards of Conduct. JLUS Policy Committee members (voting and non-voting) shall not:
 - a. appear before the JLUS Policy Committee while acting as an advocate for any other person, group, or business entity other than the primary member they represent;
 - b. knowingly use their position on the JLUS Policy Committee for their own private gain, or for the financial gain of their business;
 - c. engage in debate or vote on matters affecting a person, entity, or property in which that individual has a conflict of interest; or
 - d. accept or solicit any gift or favor that would tend to influence that individual in the discharge of official duties.
- D. Attendance. Records of attendance of JLUS Policy Committee meetings shall be kept and presented as part of each meeting summary. Entities with members that have missed at least three consecutive meetings will be notified and the appointing bodies shall be asked to review the continued service of their representatives. JLUS Policy Committee members may record an excused absence if it is made known to the Chair prior to the beginning of the Committee meeting and it is related to the following: personal illness, family emergency, jury duty, business necessity, or fulfillment of obligation arising out of elected service. An excused absence will not be recorded as an absence.
- E. Quorum. A majority of the actual voting membership of the committee [excluding vacant seats] shall constitute a quorum. A majority is more than half. The chair and vice chair, shall be considered a voting member of the committee in determining the number on which a majority is based and in counting the number of voting members present.
- F. Officers. The Executive Director of the Hampton Roads Planning District Commission shall serve as the Chair of the JLUS Policy Committee. Each city shall elect a Co-Vice Chair from among its voting members. The Chair shall preside over meetings of the JLUS Policy Committee. A vacancy in the office of one of the Co-Vice Chairs shall be filled by the Policy Committee in the first meeting after the vacancy becomes known.
- G. Meeting Schedule. The Policy Committee shall hold at least one meeting yearly, but shall meet as often as necessary for the purpose of transacting the business at hand. The Chair shall call the meeting and shall designate in the written notice of the meeting the business to be transacted or considered. No action shall be taken at any meeting unless such action is included in the written notice of such meeting. Meetings shall be held at a time

designated by the JLUS Policy Committee and will be hosted by the HRPDC and/or on a rotating basis by the voting entities if HRPDC facilities are not available.

- H. Open meetings. Written notice of the meeting, accompanied by an agenda, shall be posted and mailed, emailed, or delivered at least three working days prior to any meeting. The Joint Land Use Study Sponsor shall designate the place of meetings except as designated by the Policy Committee. All Joint Land Use Study meetings including but not limited to all meetings of the Policy and Technical Committees shall be held as open meetings as defined by Code of Virginia § 2.2-3707.
- I. Meeting Summary. Summaries of the meetings shall be kept and shall be submitted to the members of the Policy Committee for approval. Meeting summaries from the Joint Land Use Study Technical Committee will also be transmitted to the Joint Land Use Study Policy Committee.
- J. Staff Support. Staff support for the Joint Land Use Study Policy Committee shall be provided by the Hampton Roads Planning District Commission. The Joint Land Use Study Policy Committee may assign administrative functions to the staff support.

Article V – Intent

These Bylaws and Operating Procedures are intended to provide rules and procedures to assure the orderly function of the Hampton Roads Region – Portsmouth and Chesapeake Joint Land Use Study.

Article VI – Adoption

These Bylaws and Operating Procedures shall be in full force and effect at such time as they have been approved by two-thirds vote of the Joint Land Use Study Policy Committee at a meeting at which a quorum, as defined herein, is present.

Article VII – Revision

These Bylaws and Operating Procedures may be revised by approval of two-thirds of the voting members of the Joint Land Use Study Policy Committee at a meeting at which a quorum, as defined herein, is present. Changes in the Bylaws must be presented at one regularly scheduled meeting and voted on at a following regularly scheduled meeting. No Bylaw change shall be made that has not been presented at a previous meeting.

Duly adopted by the Hampton Roads Region – Portsmouth and Chesapeake JLUS Policy Committee, this 14th day of May, 2019.

Chair, JLUS Policy Committee

Co-Vice Chair (Chesapeake)

Co-Vice Chair (Portsmouth)

ATTEST

JLUS Project Manager