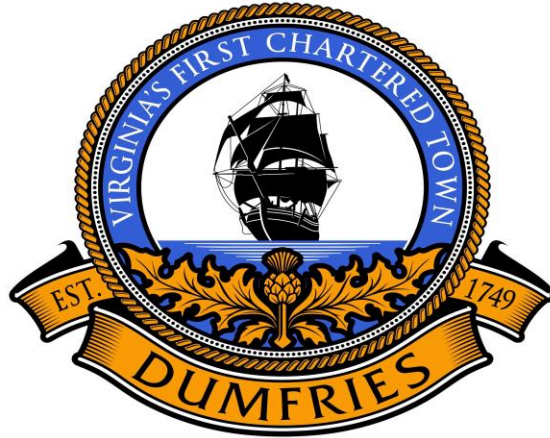


Town of Dumfries Council Meeting Packet



Derrick R. Wood, Mayor
Monaé S. Nickerson, Vice Mayor
Tyrone Brown, Councilmember
Shaun Peet, Councilmember
Selonia B. Miles, Councilmember
Cydny A. Neville, Councilmember
Brian K. Fields, Councilmember

Keith C. Rogers, Jr., Town Manager
Sharon E. Pandak, Town Attorney
Tangi R. Hill, Town Clerk

February 1, 2022



DUMFRIES, VIRGINIA

Virginia's Oldest Continuously Chartered Town
CHARTERED 1749 INCORPORATED 1961

John Wilmer Porter Municipal Building
17739 Main Street, Suite 200
Dumfries, Virginia 22026
Tel: 703-221-3400 / Fax: 703-221-3544
www.dumfriesva.gov

DUMFRIES TOWN COUNCIL MEETING AGENDA TUESDAY, FEBRUARY 1, 2022 7:00 PM

MEETING STREAMING ON TOWN OF DUMFRIES YOUTUBE CHANNEL
<https://www.youtube.com/watch?v=IOkR-TLgLmc>

- I. **Call to Order and Roll Call**
- II. **Invocation & Pledge of Allegiance**
- III. **Adoption of the Agenda**
- IV. **Awards & Proclamations**
 - A. Proclamation Recognizing Black History Month
- V. **Approval of Minutes**
 - A. Dumfries Town Council Meeting Minutes – January 18, 2022
- VI. **Citizen Comment Period**
- VII. **Mayor & Council Comments**
- VIII. **Reports & Presentations**
 - A. Boys & Girls Club Update – Judy Moore, Branch Director
 - B. Historic Dumfries Update – Lisa Timmerman, Executive Director
- IX. **Action Items**
 - A. Options for Revising the Rules of Procedure Relating to Remotely Attending Council Meetings – Town Attorney Sharon Pandek
 - B. Motion Directing the Town Manager to Develop a Plan for a Multi-Use Building for Former Rescue Squad Property – Councilman Peet
- X. **Closed Session**
 - A. One (1) Personnel Matter Relating to the Annual Performance Evaluation of the Town Manager (Va. Code §2.2-3711.A.1)
- XI. **Adjournment**



PROCLAMATION RECOGNIZING BLACK HISTORY MONTH

WHEREAS, the month of February is nationally recognized as Black History Month; and

WHEREAS, during this time, we celebrate the many achievements and contributions made by African Americans to our economic, cultural, spiritual, and political development; and

WHEREAS, for generations, the story of American progress has been shaped by the inextinguishable belief that change is always possible and a brighter future lies ahead; and

WHEREAS, we celebrate giants of the civil rights movement and countless other men and women whose names are etched on the cornerstones of our country; and

WHEREAS, in 1915 Dr. Carter Godwin Woodson, noted scholar, Harvard University trained historian, and son of former slaves, founded the Association for the Study of African American Life and History, with the intent of raising awareness for African American's contributions to civilization; and

WHEREAS, Dr. Woodson initiated Black History Week, beginning February 12, 1926; and, for many years following, Black History Week was celebrated during the second week of February; and

WHEREAS, in 1976, as part of the United States of America's bicentennial, Black History Week was expanded and established as Black History Month. In that year President Gerald R. Ford urged Americans to "seize the opportunity to honor the too-often neglected accomplishments of black Americans in every area of endeavor throughout our history"; and

WHEREAS, we understand that more than 400 years ago, the first enslaved Africans in English-occupied North America were brought to Virginia; and

WHEREAS, despite constant adversity throughout American history, African American culture and heritage is continually strengthened, each generation; and

WHEREAS, the national theme for Black History Month 2022 is "Health and Wellness"; and

WHEREAS, the Black family is diasporic, knowing no single location but stretching across states, nations, and continents; and

WHEREAS, the complexity of the Black family offers a rich tapestry of images for exploring the African American past, present, and future;

NOW, THEREFORE, BE IT RESOLVED that the Town of Dumfries proclaims February 2022, as Black History Month

Derrick R. Wood, Mayor
Town of Dumfries
February 1, 2022

**DUMFRIES TOWN COUNCIL
MEETING MINUTES
TUESDAY, JANUARY 4, 2022**

MEETING HELD VIRTUALLY VIA ZOOM AND THE TOWN'S YOUTUBE CHANNEL

A video recording of this meeting is available on the Town's YouTube Channel:
<https://www.youtube.com/watch?v=IOkR-TLgLmc>

I. Call to Order and Roll Call

At 7:00 PM, Mayor Wood called the meeting to order. The following members were recorded as present: Brown, Fields, Miles, Nickerson, and Wood. Councilwoman Neville and Councilman Peet attended virtually due to health safety reasons.

II. Invocation & Pledge of Allegiance

Pastor Zenny Oluwo, Winners Church for All Nations in Dumfries, provided the invocation. The Pledge of Allegiance was led by Girl Scout Troop # 80193.

III. Adoption of the Agenda

Mayor Wood stated that he emailed Council requesting the addition of a Closed Session regarding the Town Manager's performance review to the agenda. However, he requested the item be postponed until the February 1, 2022 meeting. Mayor Wood requested the addition of an Emergency Ordinance to Extend Established Emergency Procedures for the Continuity and Operation of the Government Due to Severe Winter Weather.

Vice Mayor Nickerson requested the addition of a Discussion of Council Rules and Procedures 3.3.

On a motion made by Councilwoman Nickerson, seconded by Councilwoman Miles, to adopt the agenda with the addition of the following Action Item VIII.A. Emergency Ordinance to Extend Established Emergency Procedures for the Continuity and Operation of the Government Due to Severe Winter Weather; and Discussion Item X.A. Discussion of Council Rules and Procedures 3.3. meeting. Vote 7-0 (Yes: Brown, Fields, Miles, Neville, Nickerson, Peet, and Wood; No: N/A)

IV. Awards & Proclamations

Proclamation Declaring Phi Beta Sigma Fraternity, Inc. Omicron Zeta Sigma Chapter Day

Mayor Derrick Wood presented the proclamation.

V. Approval of the Minutes

On a motion made by Councilwoman Miles, seconded by Vice Mayor Nickerson to approve the January 18, 2022 Town of Dumfries Council meeting minutes. Vote 7-0 (Yes: Brown, Fields, Miles, Neville, Nickerson, Peet, and Wood; No: N/A)

VI. Citizen Comment Period

VII. Reports and Presentations

Update on Prince William County Schools Specialty Programs

Ms. Karima Wesslehoft , Supervisor of the Advanced Academics, and Specialty Programs, and Mr. Doug Wright, Supervisor of Career and Technical Education Programs, presented an Update on Prince William County Schools Specialty Program. Mr. Wright addressed questions from Council.

Town Manager's Report

Town Manager Keith Rogers, Jr. presented his report to Council. Mr. Rogers addressed questions from Council.

VIII. Action Items

Emergency Ordinance to Extend Established Emergency Procedures for the Continuity and Operation of the Government Due to Severe Winter Weather Ordinance

Town Clerk Tangi Hill read the Emergency Ordinance to Extend Established Emergency Procedure for the Continuity and Operation of the Government Due to Severe Winter Weather into record. On a motion made by Vice Mayor Nickerson, seconded by Councilman Fields, to adopt the Ordinance to Extend Established Emergency Procedure for the Continuity and

Operation of the Government Due to Severe Winter Weather Ordinance.
Vote 7-0 (Yes: Brown, Fields, Miles, Neville, Nickerson, Peet, and Wood)

IX. Introduction Items

Resolution Authorizing the Town Manager to Advertise Public Hearing on the Proffer Condition Amendment Application, PCA2016-001, Filed by Townsquare at Dumfries, LLC - Public Hearing Date: February 15, 2022

On a motion made by Councilwoman Miles, seconded by Vice Mayor Nickerson to adopt the Resolution Authorizing the Town Manager to Advertise a Public Hearing on the Proffer Condition Amendment Application, PCA2016-001, Filed by Townsquare at Dumfries, LLC scheduling the public hearing to be held on Tuesday, February 15, 2022, at 7:00 pm. Vote 7-0 (Yes: Brown, Fields, Miles, Neville, Nickerson, Peet and Wood)

X. Discussion Item

Discussion of Council Rules and Procedures 3.3

Vice Mayor Nickerson introduced the item for discussion by reading Section 3.3 – Participaion by Remote Electronic Communication of the Council Rules and Procedures. She proposed is that Council ask the Town Attorney add language to Section 3.3 that excludes Closed Session as a part of the reasonable accommodations for which a member of Council is provided web-based access to the meeting or if acceptable access by telephone. Vice Mayor noted that her request is due to when members of Council virtually attend Closed Sessions it compromises the integrity and confidentiality of the proceedings.

Following the discussion, Town Attorney Pandak stated that she understands the directive of the Vice Mayor. She asked if she could come back to Council with options for Council to consider that might be palatable and consistent with law. In addition, Town Attorney Pandak will include different options used in other localities and the state. Vice Mayor Nickerson accepted the Town Attorney's request. Town Attorney Pandak will provide this report at the February 1, 2022 meeting.

XI. Adjournment

Mayor Wood adjourned the meeting at 8:24 PM.



**BOYS & GIRLS CLUBS
OF GREATER WASHINGTON**

Prince William County/Manassas Branches

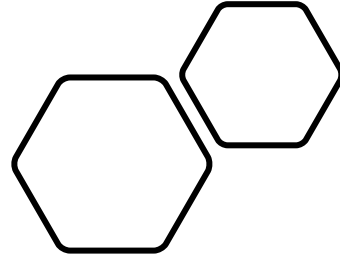
**General
Heiser
Branch**

Director: Judy Moore

**Program Director: Leslie
Browder**

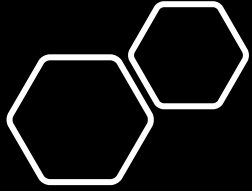
Day Care Director: Loni Payton

Membership



- Currently 108 members enrolled, 23 of these are teens, we are averaging 45 members a day
- Annual membership fees:
 - Youth 6-12 \$50/year
 - Teens 13-18 \$25/year
 - Year runs from Sept. 1 to Aug. 31

Continue to follow CDC Covid Guidelines



Enrollment

Summer Camp 2021

- 74 kids enrolled
- 4 youth from the town received scholarships to participate

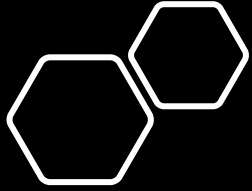
School Year 2021-2022

45 youth enrolled

Transporting youth to 6 schools

3 schools are coming on county buses

Continue to follow CDC Covid Guidelines



Past Programs

Girls on the Run

- 7 girls participated in this program 2 afternoons a week.

Teen Programing

- Teens took part in the Virtual “Teen Take Over” there were discussions about current issues our teens are facing.

Winter Gala

- Sponsored by Woodbridge Rotary
- Dinner, games, and gifts for all the kids

SAVE THE DATE!



**BOYS & GIRLS CLUBS
OF GREATER WASHINGTON**

#OURLIVESMATTER presents the...

MLK TEEN

TAKEOVER WKND 2022

The Year of TEEN Influence!

**JAN
14-17**

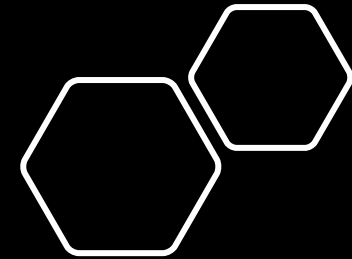
#WeOwnFriday Parties
#OurLivesMatter Summit
The **BIG TEEN** Give Back

**BOYS & GIRLS CLUBS OF
GREATER WASHINGTON**

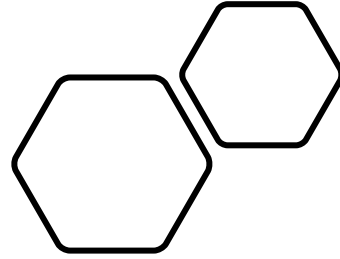
Follow @BGCDMVTEENS to stay connected



Made with PosterMyWall.com



Upcoming Programs



- Passport to Manhood
- STEM
- Teen Takeover Tuesdays
- Arts Programs

DO IT FOR THE
CULTURE
 TEEN TAKEOVER


ITS THE CULTURE FOR ME
 FEB 1ST 5:30PM-7PM

PROTECT THE CULTURE
 FEB 8TH 6PM-7PM

COLLEGE GOING CULTURE
 FEB 15TH 6PM-7PM

CULTURE WELLBEING
 FEB 22ND 6PM-7PM

CONTACT YOUR CLUB FOR MORE INFO TODAY!



DO IT FOR THE
CULTURE
 TEEN TAKEOVER

ITS THE CULTURE FOR ME
 BLACK FACTS TRIVIA GAMESHOW
 &
 LIVE SOUL FOOD COOKING DEMO
 FEBRUARY 1ST 5:30PM-7PM

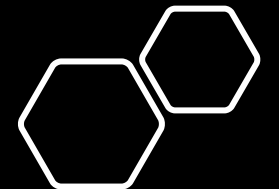




Happening every Tuesday

from 5:30 to 7:00 pm

Scan the QR code for more information





Introducing... The BGCGW Art Club!



Who: **Grades 2-6** * All BGCGW Clubs are invited.

When: **Starting Wednesday, January 26, 2022**

Meeting monthly—virtually—on the **LAST Wednesday of every month.**
5:30-6:30 pm

→ Sign up [HERE](#).

What is Art Club?

For Art Club, we will learn about contemporary artists, look and talk about art together, discuss free art opportunities in the area/online and share art. It is important that young artists are able to spend time with other creatives.

Who is it for?

Art Club is for any BGCGW member in grades 2-6 who LOVES art. They do not need to be good at drawing. There is so much more to the art world! Printmaking, painting, sculpture, photography, collage... the list goes on and on. (This is not a club for those who wish to find out if they enjoy art or not.)

What else will they be doing?

Connecting with other youth who have the same interests they do. Meeting local, community artists. Discovering the importance of art & social justice and careers in the arts. Having an additional support group in their lives where they feel they can be themselves and be celebrated as creative kids.

Is this a drop-in time or a sign-up opportunity?

Those interested in Art Club will be asked to sign-up. The consistency of the group will help with the success of the club. Committing to something is a life skill we wish for all of our members. Seeing the same faces each time will provide the Art Club members a sense of comfort, which leads to sharing in a non-threatening way. Sharing can be scary for youth since sometimes they are sharing a large part of themselves through art. (Sometimes this includes feelings and emotions they are not able to share with words.) Sign up [HERE](#).

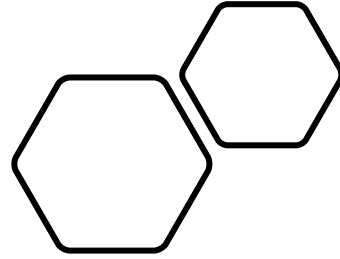
Questions? Are you or someone you know a local artist who could spend time with the Art Club? Please let me know!

Christina Karateri, BGCGW Director of Arts Programming | ckarateri@bgcgw.org | (202) 503-6079

- Art opportunities for members
- Art Club meeting the 3rd Thursday of the Month from 5:30 to 6:30
- For 2nd to 6th grader
- BGCGW Musical looking for Singers, Dancers, and Actors



Sports



- Fall 2021
 - 10 BB players, 1 team
 - 33 VB players, 3 teams
- Spring 2022
 - Currently registering members
 - Looking for volunteer coaches



BOYS & GIRLS CLUBS
OF GREATER WASHINGTON
Prince William County/Mansassas Branches

*These programs are neither
sponsored nor endorsed by Prince
William County Schools*



SPRING SPORTS

GENERAL HEISER BOYS & GIRLS CLUB



EARLY BIRD REGISTRATION
JANUARY 18TH-JANUARY 31ST

Open Registration

February 1st-February 28th

ASSESSMENT DAYS:

Basketball

3/1 Ages 5-6 6pm
3/1 Ages 7-8 7pm
3/2 Ages 9-10 6pm
3/2 Ages 11-12 7pm
3/3 Ages 13-15 6pm

Volleyball

3/5 Grades 3-5 9am
3/5 Grades 6-8 10am
3/5 Grades 9-12 11am

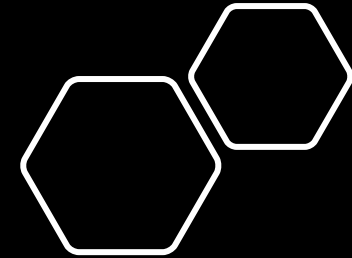
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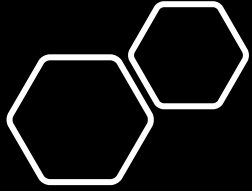
Early Bird Registration: \$105 plus membership

Regular Registration: \$115 plus membership

FOR MORE INFO CALL US AT (703)441-0611 OR EMAIL

AMCSHANE@BGCGW.ORG





Spring & Summer Camp

- Spring Camp
 - April 11-15
 - 6:00 am to 6:00 pm
 - \$100 per child
- Summer Camp
 - June 21 – Aug 17
 - 6:00 am to 6:00 pm
 - \$100 per child

All children must be current members. \$50/year membership fee.



BOYS & GIRLS CLUBS
OF GREATER WASHINGTON



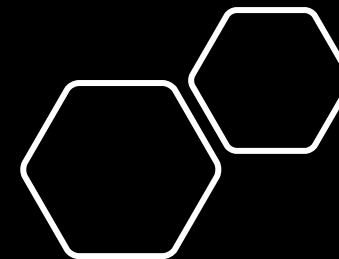
Spring Break Camp: April 11th - 15th
Summer Camp: June 21th - August 17th

Hours: 6am-6pm

Rates: \$100 per child

Bring A Ready To Eat Bag lunch (No sibling discount)

For Additional Information
Call 703-441-0611 ex 2611 or
Email: Lpayton@bgcgw.org



Food Distribution

We continue to monthly supply 15 boxes of nonperishable food to our families and the community.





**BOYS & GIRLS CLUBS
OF GREATER WASHINGTON**

Prince William County/Manassas Branches

Historic Dumfries Virginia, Inc. Report to the Town of Dumfries
Quarter 4: October – December 2021

Visitation Data:

| 2021 | Total | Tour | Library | Remote | Rental | Comm. Meeting | Events | Programs | Outreach (Virtual) | Non-Program | V.C. | Park |
|----------|-------|------|---------|--------|--------|---------------|--------|----------|--------------------|-------------|------|------|
| October | 467 | 8 | 0 | 1 | 0 | 0 | 0 | 168 | 10 | 10 | 0 | 270 |
| November | 217 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 0 | 4 | 0 | 196 |
| December | 204 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 8 | 4 | 0 | 168 |

Outreach – Virtual: Includes all webinars, meetings, chats with other museums

October-December Public Programs:

- October 2021
 - o 10/01-10/02, 10/08-10/09, 10/15-10/16, 10/22-10/23, 10/29-10/30: Ghost Walks, Return to the Shadows & Locked Inside
 - o 10/09 & 10/20: Cherry Hill Trail Historical Walk
 - o 10/16: Children’s Day at the Museum Sponsored by Colonial Downs Group: Hispanic Heritage
 - o 10/17: Virtual Halloween Tea
- November 2021
 - o 11/13: Online, Members First Saturday: November Member Cookie Swap
 - o 11/20: Online, The Weems-Botts Bibliophiles: Winter is Coming: Tales Told Around the Hearth; Children’s Day at the Museum Sponsored by Colonial Downs Group: Project Squirrel (Citizen Science)
- December 2021
 - o 12/11: Holiday in the Park (following the Town of Dumfries Parade)
 - o 12/18: Online, Children’s Day at the Museum Sponsored by Colonial Downs Group: Winter Weather Myths

October-December Privately Scheduled Programs/Meetings/Conferences:

- October 2021
 - o 10/19 – 10/20: Smithsonian: 2021 Safety and Cultural Heritage Summit: Preserving our Heritage and Protecting our Health
 - o 10/26: Virginia Association of Museums Webinar: Museums & The Long Pandemic
- December 2021
 - o 12/03: Story of Potomac District History Meeting
 - o 12/08: Trowel Garden Club of PWC donated fresh wreaths for historic house

Structures & Merchant Park: Repair, Upkeep

- Historic House
 - o Contract with W&W Construction to install counter flashing and inspect/repair any cracks in the chimney masonry
 - o Consultations scheduled to discuss HVAC possibility
- Merchant Park:
 - o Consultations with local landscaping companies to clean up property

Mentorship/Externship Programs

- PWPCS: Currently on hold due to COVID-19

Promoting the Town (via educational articles, speeches, presentations, etc.):

- Cherry Hill Trail Historical Walk: Conducted on nature trails within the Potomac Shores community, arranged with the Potomac Shores Trail Committee
- VAM Annual Conference: Part of the planning committee for VAM’s Annual Conference in 2022

Media:

- 10/01: Advertised as feature article in Prince William Living magazine (online & printed):
- Ongoing: Submit online calendars & press releases for programs


PANDAK & TAVES PLLC
ATTORNEYS AT LAW
4004 GENESEE PLACE, SUITE 201
WOODBRIDGE, VIRGINIA 22192

Sharon E. Pandak
Email: spandak@gtpsllaw.com

Telephone 703-680-5543
Facsimile 703-680-5549

January 24, 2022

TO: TOWN COUNCIL

FROM: SHARON E. PANDAK 
Acting Town Attorney

RE: OPTIONS FOR REVISING THE RULES OF PROCEDURE RELATING
TO REMOTELY ATTENDING COUNCIL MEETINGS

Summary

At the last Council meeting Vice Mayor Nickerson asked that I prepare proposed changes to the Rules of Procedure Section 3-3 to address remote attendance by Council members in closed meetings of Council.

I have prepared options which address the issue of remote attendance in closed meeting. These are imbedded in 2 of the 3 Options included in the attached marked up Rules of Procedure. The Options begin at Section 3-3 on p. 4. (I have included the entire Rules only for context.)

Importantly, also included are also proposed changes to the Rules to more specifically incorporate the language of the Freedom of Information Act, particularly Va. Code § 2.2-3708.2, relating to remote attendance at Council meetings by individual members or remotely holding meetings of Council during a state of emergency. I strongly recommend that the Council include such provisions (as appear most completely in Option 1) in the Rules of Procedure if Council determines to permit both individual member and remote meetings of Council as permitted by the State Code. OR, if Council only desires to provide for remote meetings of Council during a declared state of emergency when the catastrophic nature of the emergency makes it impracticable or unsafe for Council to assemble a quorum in a single location to include Option 3. Va. Code § 2.2-3708.2(C)(1) requires the Council to adopt a written policy, which it has in the succinct version currently in the Rules, but this is a good time to further elaborate that Section 3-3.

Analysis

I will review my analysis in more depth at the Council meeting because the short turnaround does not allow an extensive review in writing. Succinctly, the General Assembly permits local governing bodies to allow their members to participate remotely and to meet remotely as a body under certain circumstances. The authority is permissive, not required. That is, the governing body, here Town Council, does not have to implement any remote participation. If the Council decides to do so, the requirements are specific as to the circumstances and must be

applied uniformly to all members. For that reason, I recommend the adoption of Option 1 with revision to the provision on closed meeting depending on the Council's determination in that regard. The new introductory sentence, "The Council believes that it is very important for Council members to attend Council meetings in person" is not legally required.

Should the Council not want to allow individual remote participation, it can do so. However, given what seem to be a spate of states of emergency being declared, including the recent one by the Town, I recommend at least the adoption of Option 3 so that the Council can, if necessary, during such states of emergency, conduct its business remotely if it is impracticable or unsafe for Council to meet in person in one location.

Closed Meeting: Regarding participation in closed meeting by a member participating remotely when a quorum is gathered in a central location: the Code is silent as to what provision can or must be made.

The Virginia Code does not require that the member(s) participating remotely be able to do so by any means other than one which allows the member to hear and be heard. *See* Va. Code § 2.2-2708.2(C)(3). Therefore, I cannot conclude that there is a legal requirement that a remote member participate in closed meeting by visual means.

I do not believe that the member can be excluded from closed meeting by Council because the member is remote although the member could choose not to participate in closed meeting. However, Council can require the member to take reasonable steps to protect the confidentiality of closed meeting and assure the rest of Council as a requirement of attending closed meeting when remote. Some governing bodies have criteria in this regard. I have included the following in the options, and variations might be reasonable:

Option 1: "only if the member certified that the member is in a location that ensures that the confidentiality of closed meeting will not be breached or violated."

Option 2: in attached form "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."¹

Option 3: N/A

I will be glad to discuss options with you further at the Council meeting.

Attachments:

Marked up Rules of Procedure with Options 1, 2, 3

Draft Request to Participate Remotely Through Electronic Communication Means – goes with Option 2

cc: Town Manager Keith Rogers

¹ I have adapted that form from one used by the Prince William County Board of Supervisors

RULES OF PROCEDURE
TOWN COUNCIL – TOWN OF DUMFRIES, VIRGINIA

Town Council 2021-2023

Tyrone A. Brown

Brian K. Fields

Selonia B. Miles

Cydny A. Neville

Monae' S. Nickerson

Shaun R. Peet

Derrick R. Wood

Adopted: January 19, 2021

SECTION 1 - INTRODUCTION

The Rules of Procedure are intended to ensure that the Town of Dumfries Town Council can transact business in an efficient and expeditious manner, while providing means for citizens to observe and participate. Additionally, the Rules of Procedure seek to encourage the spirit of collaboration while protecting individual rights of members.

The Rules of Procedure are intended to be reviewed and adopted by each new Council following an election at the first meeting of Town Council in January.

Nothing contained in the Rules of Procedure shall supersede the Town Charter, Town Code or applicable provisions of federal, state, and local law.

SECTION 2 - MEETINGS

Section 2-1. Council Meeting Calendar

The Town Council gives notice of and holds meetings in accordance with the Virginia Freedom of Information Act ("FOIA"), Va. Code §§ 2.2-3700, *et seq.*

The Council shall adopt the Council Meeting schedule each year at the first meeting of the Council. Meetings of the Town Council are held on the first and third Tuesday of each month, at 7:00 p.m., except where otherwise noted.

Notice of Regular Meetings shall be posted three (3) working days prior to the meeting as required by FOIA.

All Meetings of Council, including Regular, Special and Emergency Meetings and work sessions, etc., are open to the public for observation and participation, in-person, on the local access PEG Channel, and/or accessible from the official Town website and official Town media outlets.

Section 2-2. Special Meetings

Special Meetings may be scheduled by the Mayor or; any two (2) members of Town Council, upon written notice to the Town Manager. No business shall transacted during a special meeting other than that which is specifically called for in the notice, unless the Town Council agrees unanimously to consider such action.

Notice of Special Meetings shall be reasonable under the circumstance and be given contemporaneously with the notice provided to members of the Town Council.

Section 2-3. Emergency Meetings

Emergency Meetings are those which are due to an unforeseen circumstance rendering the notice required by FOIA impossible or impracticable and which circumstance requires immediate action.

Emergency Meetings may be scheduled by the Mayor or; any two (2) members of Town Council, upon written notice to the Town Manager. No business shall be transacted during

an emergency meeting other than that which is specifically called for in the notice, unless the Town Council agrees unanimously to consider such action.

Notice of Emergency Meetings shall be reasonable under the circumstance and be given contemporaneously with the notice provided to members of the Town Council.

Section 2-4. Organizational Meeting

At the first meeting of a new Council following an election, Town Council shall select from its membership one member to serve as a Vice-Mayor.

Additionally, at this meeting, members shall be designated to serve as members of or liaisons to committees, boards and multi-jurisdictional entities.

SECTION 3 - PRESERVATION OF ORDER, VOTING AND ELECTRONIC MEETINGS

Section 3-1. Preservation of Order

- A. At meetings of the Town Council, the Mayor (and the Vice Mayor in the absence of the Mayor) shall serve as the Presiding Officer and shall preserve order and decorum and decide on questions of order. Council members shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. Members that transgress the Rules of Procedure shall be called to order by the Presiding Officer.
- B. The Town Attorney shall serve as Parliamentarian for meetings of the Town Council.
- C. The Presiding Officer has the authority to call a brief recess at any time. Unless there is an emergency, no member of the Town Council shall leave the Council Chamber while the Council is in regular meeting without the permission of the Presiding Officer, which permission shall not be unreasonably withheld.
- D. In an emergency, the Presiding Officer may adjourn the meeting without the Council's vote or appeal.
- E. Whenever a question arises as to the proper interpretation of a rule of procedure, or in the absence of a rule governing a point of procedure, the Presiding Officer shall consult with the Parliamentarian prior to ruling.
- F. No member of the Town Council shall speak more than once on the same question until every member choosing to speak shall have done so, or for a longer time than 10 minutes on any question, without the express permission of the Council.
- G. When two or more members of the Town Council wish to speak at the same time, the Presiding Officer shall name the member to speak first.
- H. The rules of parliamentary procedure set forth in the current edition of Robert's Rules of Order shall govern the conduct of meetings of Council, except where otherwise specified.
- I. All comments shall be directed to the Presiding Officer who shall first recognize the speaker before the speaker proceeds to make any comments.

Section 3-2. Abstention from a Vote

If a member abstains from a vote, it shall be the responsibility of the Town Clerk to note the abstention.

Members abstaining due to a conflict of interest shall do so in accordance with the Virginia Conflict of Interests Act ("COIA"), Va. Code §§ 2.2-3100, et seq. The Town Attorney is available to assist members in complying; however, compliance responsibility remains that of the member.

Section 3-3. Participation by Remote Electronic Communication

The Council believes that it is very important for Council members to attend Council meetings in person.

Option 1 – Amendments to Conform with Virginia Code to Allow Certain Remote Participation.

~~Pursuant to Va. Code § 2.2-3708.2 or as otherwise set forth in the Code of Virginia, members of Town Council may participate in a Town Council meeting through electronic means, subject to the conditions and requirements of this statute.~~

~~Any member seeking to participate electronically shall notify the Mayor and Town Attorney at least 24 hours in advance of the scheduled meeting to ensure compliance with applicable Virginia Code sections. The member shall be provided web-based access to the meeting or, if acceptable to the member, access by telephone. (moved to below)~~

Members individually or the Council itself under certain emergencies may participate in Council meetings through electronic communication means pursuant to the provisions of this section. In such cases, notice and public access shall be given in accordance with the respective provisions of the Virginia Freedom of Information Act ("FOIA").

A. Individual Member Requesting Remote Electronic Participation

Pursuant to Va. Code § 2.2-3708.2 or as otherwise set forth in the Code of Virginia, members of Town Council may participate in a Town Council meeting through electronic means, subject to the conditions and requirements of this statute.

Any member seeking to participate electronically shall notify the Mayor and Town Attorney at least 24 hours in advance of the scheduled meeting to ensure compliance with applicable Virginia Code sections.* ~~The member shall be provided web-based access to the meeting or, if acceptable to the member, access by telephone.~~

In order to participate electronically, the member must be unable to attend the meeting due to:

1. A temporary or permanent disability or other medical condition that prevents the member's physical presence or 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

2. A personal matter and identifies with specificity the nature of the personal matter which shall be included in the meeting minutes. Participation by member pursuant to this subsection is limited to absence of two (2) meetings per calendar year or 25% of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

In addition for the foregoing electronic participation to occur, a physical quorum of Council shall otherwise be present, and Council shall make arrangements for the voice of the remote participating member to be heard by all persons at the Council meeting location.

This policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters to be considered or voted on at the meeting. The Council members present at the subject meeting must approve or disapprove the member's request to participate remotely by a majority vote. Electronic participation from a remote location shall be approved unless such participation violates this section or Va. Code § 2.2-3708.2. If a request is disapproved because such participation would violate the policy or Va. Code § 2.2-3708.2, such disapproval shall be recorded in the meeting minutes with specificity.

If remote participation is approved, the member participating remotely shall be provided web-based access to the open meeting or, if acceptable to the member, access by telephone.** The member participating remotely shall be provided access to closed meetings by telephone and only if the member certifies that the member is in a location that ensures that the confidentiality of closed meeting will not be breached or violated.

B. Meeting by Electronic Participation to Conduct Business During a Declared State of Emergency

Council may meet by electronic communication means without a quorum of the Council physically assembled in one location when the Governor, Prince William County or the Town has declared a State of Emergency in accordance with Va. Code § 44-146.17 or § 44-146.21, respectively, provided that:

1. The catastrophic nature of the declared emergency makes it impracticable or unsafe for the Council to assemble a quorum in a single location;
2. The purpose of the meeting is to provide for the continuity of operations of the Town or Council or the discharge of its lawful purposes, duties and responsibilities;
3. A recording or transcript of the meeting is available on the Council website in accordance with the timeframes in Va. Code § 2.2-3707; and
4. The Council makes arrangements for public access to such meeting through electronic communication means, including videoconferencing if used by the Council, and the Council provides the public with the opportunity to comment at those meetings, when public comment is customarily received, either virtually or in writing to

be provided to the Council prior to or at the meeting.

C. Reflecting Remote Participation in the Meeting Minutes

1. Pursuant to Va. Code § 2.2-3708.2, the meeting minutes will reflect the member who participated remotely pursuant to subsection (A) above and the location of the remote participation. If the member participated remotely pursuant to subsection (A)(1) above, the fact that the member's physical attendance was prevented due to a temporary or permanent disability or other medical condition shall be noted in the meeting minutes. If the member participated remotely pursuant subsection (A)(2) above, the minutes shall also include the specific nature of the personal matter cited by the member.
2. In the instance of electronic participation during a Governor, County or Town Declared State of Emergency pursuant to subsection (B) above, the meeting minutes will also state 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.

Option 2:

Same as Option 1 but ADD to Para. 2 of Section A above, the following (double underlined) at asterisks (*) above:

*Any member seeking to participate electronically shall notify the Mayor ~~and Town Attorney~~ at least 24 hours in advance of the scheduled meeting to ensure compliance with applicable Virginia Code sections by providing a written request to participate remotely on the form approved by Council. [Form is attached]

.....

**If remote participation is approved, the member participating remotely shall be provided web-based access to the open meeting or, if acceptable to the member, access by telephone. The member participating remotely shall be provided access to closed meetings by telephone and only if the member provides verifiable assurances and verification that participation in any closed meeting shall remain confidential and not be disclosed to any unauthorized persons or entities.

Option 3:

Revises Section 3-3 to allow ONLY electronic participation by Council during a declared state of emergency.

Section 3-3. Participation by Remote Electronic Communication Meeting by Electronic Participation to Conduct Business During a Declared State of Emergency

Pursuant to Va. Code § 2.2-3708.2 or as otherwise set forth in the Code of Virginia, members of Town Council may participate in a Town Council meeting through electronic means subject to the conditions and requirements of this statute.

~~Any member seeking to participate electronically shall notify the Mayor and Town Attorney at least 24 hours in advance of the scheduled meeting to ensure compliance with applicable Virginia Code sections. The member shall be provided web-based access to the meeting or, if acceptable to the member, access by telephone. meet by electronic communication means without a quorum of the Council physically assembled in one location when the Governor, Prince William County or the Town has declared a State of Emergency in accordance with Va. Code § 44-146.17 or § 44-146.21, respectively, provided that:~~

1. The catastrophic nature of the declared emergency makes it impracticable or unsafe for the Council to assemble a quorum in a single location;
2. The purpose of the meeting is to provide for the continuity of operations of the Town or Council or the discharge of its lawful purposes, duties and responsibilities;
3. In such cases, notice and public access shall be given in accordance with the respective provisions of the Virginia Freedom of Information Act ("FOIA");
4. The Council makes arrangements for public access to such meeting through electronic communication means, including videoconferencing if used by the Council and the Council provides the public with the opportunity to comment at those meetings, when public comment is customarily received, either virtually or in writing to be provided to the Council prior to or at the meeting;
5. A recording or transcript of the meeting is available on the Council website in accordance with the timeframes in Va. Code § 2.2-3707; and
6. The meeting minutes will also state 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.

SECTION 4 – THE AGENDA

Section 4-1. Publishing the Agenda and Meeting Materials

Under the direction of the Town Manager, the Town Clerk shall be responsible for the publication of agendas for all noticed and scheduled meetings of the Town Council pursuant to all applicable public notice laws, including but not limited to FOIA. Meeting agendas shall be published no less than three (3) business days in advance of the Council Meeting date.

Section 4-2. Requests for Legislation & Agenda Items

- A. The Town Manager shall prepare a proposed agenda to review with the Mayor prior to the scheduled Town Council meeting.
- B. Any Council Member who would like to request legislation and/or agenda items shall submit a completed Agenda Item Request Form (*Attachment A*). Requests for legislation shall be submitted at least 30 days prior to the advertised meeting date. Requests for Proclamations shall be submitted at least seven (7) days prior to the advertised meeting date.

When items requested by Council Members appear on the agenda, the agenda shall identify the Council Member making the request. Minutes and press releases about the agenda item shall also identify the Council Member who requested the item.

- C. The Town Manager shall create and maintain an Agenda Item Submission Calendar (*Attachment B*) to depict submission timeframes.

SECTION 5 – ORDER OF BUSINESS FOR COUNCIL MEETINGS

Section 5-1. Order of Business

A. The order of business for regular meetings of the Town Council shall be as follows:

- I. Call to Order
The presiding officer calls the meeting to order to begin the meeting and directs the Town Clerk to call the roll of Council members.
- II. Prayer and Pledge of Allegiance
The Prayer may be delivered by a named guest or the Council may pause for a moment of silent prayer and reflection. The Pledge of Allegiance to the flag of the United States of America shall immediately follow the Prayer.
- III. Adoption of the Agenda
The Presiding Officer will call for a roll call vote to adopt the agenda before the Council. At this time, amendments may be proposed by members of Council and the Town Manager. The Presiding Officer shall make rulings on any requests for additional items in a manner that ensures order and successful transaction of business. Requests from Council Members to introduce legislation shall not be permitted at this time.
- IV. Awards & Proclamations
Only awards and proclamations of the Mayor and Town Council shall be presented at this time. Recipients/ honorees shall be allowed to address the Council as part of the presentation. At their final meeting of service, members will be provided a proclamation and plaque.
- V. Approval of Minutes
Minutes from previous meeting(s) will be before Council for a vote of approval.
- VI. Citizen Comment Period
Citizens are allowed no more than three (3) minutes to speak on any topic not on the agenda. Citizens shall refrain from using threats, language of a personal nature which insults or demeans any person, Council and other elected officials and staff, acting in their official capacity. No response to Citizen Comments from Town Council or staff shall be provided at this time. The Town Clerk shall publish and maintain guidelines for Citizen Comment including advance sign-up procedures.
- VII. Mayor & Council Comments
At the first meeting of the month, the Mayor and Council members are allowed no more than five (5) minutes, respectively, to make comments of personal privilege. Members shall refrain from using language of a personal nature

which insults or demeans any person, including other members of Council and staff, acting in their official capacity; campaigning for public office; and, debating action items.

VIII. Reports & Presentations

This portion of the agenda is reserved for Reports and Presentations from various groups, including but not limited to, regional partners, other government parties, boards, and commissions. At the second meeting of the month (where applicable), the Town Manager shall submit a *Town Manager's Report* to be included with the meeting materials. This portion of the agenda shall also be reserved for staff presentations on specific topic areas.

A Treasurer's report shall be provided to Council by the 15th of the month, and the Treasurer shall make a presentation to Council quarterly.

IX. Introduction Items

This portion of the agenda shall include ordinances or resolutions that are added to the public record for action and/or public hearing at a future meeting of the Council. At the time of introduction, these items may be referred to advisory bodies of the Council. Debate shall not be permissible for Introduction Items, other than Point of Order inquiries, and should be raised during Adoption of the Agenda. The Town Clerk shall read Introduction Items into the record, including public hearing dates and referrals when applicable.

X. Action Items

This portion of the agenda shall include items for public hearing and/or Council vote.

XI. Adjournment

Meeting may be adjourned by Presiding Officer or motioned by any member.

Section 5-2. Worksessions

Votes will not be taken at worksessions.

Section 5-3. Closed Meetings

- A. Generally, pursuant to FOIA, all meetings of public bodies must be open to the public. If the Council wants to hold a closed meeting, it must follow an established process to convene in closed meeting. Matters which qualify for closed meeting include, but are not limited to, the following:
- Personnel matters such as appointment and evaluation of performance of specific officers, appointees or employees of the Council;
 - Acquisition of real property for a public purpose or disposition of public property;

- A prospective business or industry or expansion of existing business or industry where no previous announcement has been made;
- Investment of public funds where competition or bargaining is involved;
- Consultation with legal counsel and staff pertaining to actual or probable litigation;
- Consultation with legal counsel regarding a specific legal matter requiring legal advice.

It is important that members who desire that a matter be discussed in closed meeting timely identify that matter to the Mayor and Town Attorney in advance of the Council meeting so that the Town Attorney can ascertain whether the matter qualifies for closed meeting and prepares the necessary language for the motion.

- B. The Council must pass a motion in open session that does the following:
1. Identifies the subject matter of the closed meeting;
 2. States the purpose of the closed meeting; and
 3. Makes specific reference to the FOIA statutory exemptions relied on to close the meeting.

Once in a closed meeting, only the matters stated in the motion shall be discussed. The Town Manager and Town Attorney shall convene with the Council in closed meeting unless their presence would adversely impact the discussion of the closed meeting matter(s).

- C. Following a closed meeting the Council must reconvene in open session and certify that only the matters identified in the motion were discussed.

Section 5-4. Quorum

- A. As provided by Va. Code § 15.2-1415, a majority of the members of the Council must be present to conduct business. "Quorum" refers to the number of members required to be present to conduct a Council meeting, not the number of members voting on an issue. If no quorum is present or if a quorum is lost, the Council can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.
- B. For the transaction of business, a quorum shall constitute four (4) members of the Town Council.
- C. If a quorum is not present at any meeting, those attending may adjourn to such other time prior to the next regular meeting as they may determine, and the Town Clerk shall record such adjournment in the meeting minutes and shall notify absent members in the same manner as required for special meetings.

Section 5-5. Improper Conduct of Public

The Presiding Officer may call for the expulsion and subsequent banning from Council Chambers of persons for disruptive behavior or any works or action(s) which incite violence

or disorder, subject to appeal to Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which they are expelled. Any person, who has been so expelled and who at a later meeting again engages in words or actions justifying expulsion, may also be barred from attendance at future meetings, subject to appeal to Council.

SECTION 6 – AMENDING THE RULES OF PROCEDURE

These rules of procedure shall be adopted by resolution. Subsequent amendments shall also be made by resolution of the Town Council.

Attachments:

Attachment A – Agenda Item Request Form

Attachment B – Agenda Item Submission Calendar



ATTACHMENT A
AGENDA ITEM REQUEST FORM

Item Type

Award Proclamation Resolution/Ordinance Motion Discussion

Statement of Purpose

Background/References

Fiscal Impact

Suggested Motion

Requested Meeting Date

Attachments

- *For awards and proclamations, please attach desired language*

ATTACHMENT B

Agenda Item Submission 2022 Calendar

| Meeting Date (Introduction Date*) | Agenda Advertisement Deadline | Legislation Submission Deadline | Proclamation Submission Deadline |
|--------------------------------------|----------------------------------|------------------------------------|-------------------------------------|
| January 4, 2022 | | | |
| January 18, 2022 | January 12, 2022 | December 13, 2021 | January 5, 2022 |
| February 1, 2022 | January 26, 2022 | December 27, 2021 | January 19, 2022 |
| February 15, 2022 | February 9, 2022 | January 10, 2022 | February 2, 2022 |
| March 1, 2022 | February 23, 2022 | January 24, 2022 | February 16, 2022 |
| March 15, 2022 | March 9, 2022 | February 7, 2022 | March 2, 2022 |
| April 5, 2022 | March 30, 2022 | February 28, 2022 | March 23, 2022 |
| April 19, 2022 | April 13, 2022 | March 14, 2022 | April 6, 2022 |
| May 3, 2022 | April 27, 2022 | March 28, 2022 | April 20, 2022 |
| May 17, 2022 | May 11, 2022 | April 11, 2022 | May 4, 2022 |
| June 7, 2022 | June 1, 2022 | April 25, 2022 | May 25, 2022 |
| June 21, 2022 | June 15, 2022 | May 16, 2022 | June 8, 2022 |
| July 5, 2022 | June 29, 2022 | May 27, 2022 | June 22, 2022 |
| August 3, 2022 (Wednesday) | July 27, 2022 | June 27, 2022 | July 20, 2022 |
| September 6, 2022 | August 31, 2022 | August 1, 2022 | August 24, 2022 |
| September 20, 2022 | September 14, 2022 | August 15, 2022 | September 7, 2022 |
| October 5, 2022 (Wednesday) | September 28, 2022 | September 1, 2022 | September 21, 2022 |
| October 18, 2022 | October 12, 2022 | September 12, 2022 | October 5, 2022 |
| November 2, 2022 (Wednesday) | October 26, 2022 | September 26, 2022 | October 19, 2022 |
| November 15, 2022 | November 9, 2022 | October 7, 2022 | November 2, 2022 |
| December 6, 2022 | November 30, 2022 | October 31, 2022 | November 23, 2022 |

**Ordinances shall not be introduced and voted on at the same meeting, except for Emergency Ordinances.*

REQUEST TO PARTICIPATE REMOTELY THROUGH ELECTRONIC COMMUNICATION MEANS¹

In accordance with Va. Code § 2.2-3708.2 and the Rules of Procedure of the Town Council, I hereby notify the Mayor that I am requesting permission from the Town Council (Council) to electronically participate at the Council's _____(date) meeting.

1. 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 me to provide care for such family member, thereby preventing my 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 2 meetings this calendar year, or 25% of the meetings held per calendar year rounded up to the next whole number, whichever is greater; AND

2. 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

3. 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. [*needs to be adapted*]

DATE: _____
(*24 hrs. before date of meeting*)

Member of Council

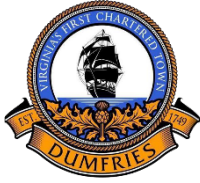
This form should be provided to the Mayor and Town Clerk 24 hours before the meeting and shall be included in the meeting minutes.

Council Action on Request:

_____ Approval, (i) upon which the Member participated in the meeting through electronic communication means; (ii) a quorum of Council was physically assembled at the 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 was disapproved because such participation would violate the Council's Rules or any provision of FOIA, such disapproval shall be recorded in the Council minutes with specificity.

¹ Adapted from request form used by the Prince William County Board of County Supervisors.



AGENDA ITEM REQUEST FORM

Item Type

Award Proclamation Resolution/Ordinance Motion Discussion

Statement of Purpose

Council to Direct the Town Manager to develop a plan for a multi-use building for the fire station and surrounding communities to include: 1). a recreational center for the youth that includes a S.T.E.A.M. program, 2) use area for the seniors, and 3. a farmers' market

Background/References

Fiscal Impact

Will be determined by the outcome of the Town Manager's research.

Suggested Motion

Directing the Town Manager to provide the plan within 90 days to Council.

Requested Meeting Date

February 1, 2022

Attachments

MOTION:

MEETING DATE: February 1, 2022

SECOND:

RE: AUTHORIZE CLOSED MEETING

WHEREAS, the Town Council of the Town of Dumfries desires to discuss in closed meeting the following matter(s):

1. One personnel matter relating to the performance evaluation of the Town Manager (Va. Code §2.2-3711.A.1);

WHEREAS, pursuant to Va. Code §§2.2-3711.A.1, such discussion(s) may occur in closed meeting;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries does hereby authorize discussion of the aforestated matter(s) in closed meeting.

VOTE

AYES:

NAYS:

ABSTAIN:

ABSENT:

MOTION:

MEETING DATE: February 1, 2022

SECOND:

RE: CERTIFICATION OF CLOSED MEETING

WHEREAS, the Town Council of the Town of Dumfries has convened in closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Va. Code §2.2-3712 requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE

AYES:

NAYS:

ABSTAIN:

ABSENT: