



Town of Dumfries  
Council Meeting

Meeting Date:

April 17, 2012

Agenda Item#

XIII - A

## AGENDA ITEM FORM

**TYPE OF AGENDA ITEM:**

- CONSENT AGENDA
- PRESENTATION
- ACTION ITEM
- TOWN MANAGER & STAFF COMMENTS
- PUBLIC HEARING
  - Duly Advertised

**PURPOSE OF ITEM:**

- INFORMATION ONLY
- DISCUSSION ONLY
- DISCUSSION AND/OR DECISION
  - Introduction       Resolution
  - Ordinance         Grant/MOU
  - By Motion          Bylaws

**PRESENTER:** Christine Sanders

**PRESENTER TITLE:** Town Attorney

**AGENDA ITEM:**

Memo on Council Meeting Procedures

**BACKGROUND / SUMMARY:**

In 2011, Town Council formerly adopted Roberts Rules of Order, Newly Revised in Brief, (RRONR), to govern council meetings. Since that time, concerns have been voiced about the effectiveness of RRONR. There are many versions of Roberts Rules of Order. Additionally, jurisdictions around the Commonwealth have adopted versions of Robert's Rules of Order and/or some variation of RRO as Council Rules of Procedures to govern the process of council meetings.

The Town Attorney presents you with information about public meetings in general and in particular, rules of procedures that have been adopted by other jurisdictions for your consideration.

**ATTACHMENTS:**

Memo

**REQUESTED ACTION:**

NO ACTION REQUESTED

**FOR MORE INFORMATION, CONTACT:**

Name: Christine Sanders

Phone#: (703) 221-3400 ext. 112

E-mail: [csanders@dumfriesva.gov](mailto:csanders@dumfriesva.gov)

**FOR USE DURING MEETING**

**VOTE:**

PASSED

NOT PASSED

Y	N		Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Barr	<input type="checkbox"/>	<input type="checkbox"/>	Foreman	<input type="checkbox"/>	<input type="checkbox"/>	Forrester
<input type="checkbox"/>	<input type="checkbox"/>	Jurgensen	<input type="checkbox"/>	<input type="checkbox"/>	Toney	<input type="checkbox"/>	<input type="checkbox"/>	Washington
<input type="checkbox"/>	<input type="checkbox"/>	West						



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## MEMORANDUM

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**TO:** Mayor West, Vice Mayor Toney and Town Council  
Daniel E. Taber, Town Manager  
**FROM:** Christine R. Sanders, Town Attorney  
**DATE:** April 12, 2012  
**RE:** Council meetings, process, and procedure

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### ISSUES PRESENTED

1. Current Roberts Rules of Order, Newly Revised In Brief (RRONRiB) – (A brief comparison and contrast to the requirement of this booklet versus council standing practice; this analysis is not comprehensive.)
2. Current or past Town Council protocol and operating covenant (attachments)
3. Legalities governing council meetings – noteworthy laws and reported cases.
4. Samples of other jurisdictions' adopted rules of procedure: City of Lynchburg, City of Falls Church, Powhatan County
5. Conclusion  
(Guidance is requested)

1. **Current Robert's Rules of Order, Newly Revised in Brief:**

- A. Introduction:

Most all public bodies employ rules of procedure to govern the conduct of meetings. The majority of public bodies use some version of Robert's Rules of Order (RRO). Throughout Virginia, many jurisdictions have adopted RRO revised 10<sup>th</sup> edition. RRO's common usage is designed to promote the efficient and orderly operation of business by balancing individual and majority rights. When properly employed, RRO allows all to be heard but it ensures that a minority cannot prevent a majority from transacting business. RRO can be supplemented with local or special rules of procedure so that the governing body may have sensible rules tailored to its specific needs and concerns.

Dumfries Town Council adopted RRO, Newly Revised in Brief (RRONRiB) in summer 2011. All council members were provided with a copy this booklet and it is encouraged that this book be referred to in concurrently in reviewing this memo so that all may appreciate some aspects (as well as others not covered) of what works for conducting the Council's and the Town's business and what does not. It has come to my attention that this booklet may not suit the Council well in the conduct of its meetings and Town business. Perhaps a majority of Council would care to amend some of these rules or even supplement RRONRiB with additional rules to better serve Council's needs. As is required by any rules of procedure though, a majority must come to some agreement.

It is the intention of this part of the memo to refer to a few aspects of RRONRiB to afford all Council members greater appreciation for their adopted rules of procedure and to allow Council to reflect on how RRONRiB may or may not be sufficient to suit Council's needs.

B. RRONRiB versus other applicable process and procedure:

Section 3.06(b) of the Town Code allows the Council to adopt its own rules of procedure, for the convenience of the Council. Additionally, there are state and town codes, which are applicable in addition to Council's adopted RRONRiB, and these codes may even trump RRONRiB. For example, the rules governing executive closed sessions are superseded by Virginia statutes as no action may be taken in closed session. Va. Code Sect. 2.2-3712(G). However, RRONRiB allows for this.

C. Presiding Officer:

The Dumfries Town Charter governs who presides over all public meetings of the Town Council. First, the Mayor and in her absence, the Vice Mayor presides over the public meetings of the Dumfries Town Council. (Section 3.03 and 3.04 of Town Charter and RRONRiB, Chap. 2(A)). Additionally, Section 2-26 of the Town Code provides that "all meetings of the council, the presiding officer shall preserve order and decorum and shall discharge all duties prescribed by state law for presiding officers of Town council meetings and such other duties usually pertaining to presiding officers."

Further, a majority of Council is required to hold a public meeting and before business may be transacted. (Sect. 3.06(b) of Town Code and RRONRiB, Ch. 2(B)).

D. Order of Business:

Under the RRONRiB, there is a standard order of business, such as calling the meeting to order, a moment of silence or invocation and saying the Pledge of Allegiance. In the alternative, Council may adopt an agenda.

Recently, the Council adopts the agenda which includes some standard order of procedure, which is prepared by the Town Manager (Section 2-83(8) of Town Code). While the agenda is prepared by the Town Manager, to be binding, it must be adopted by a majority vote of the Council. The Council may make any changes to the agenda that the majority agrees to before voting to adopt it. The agenda is then voted on by the Council to be binding. This is not to say that motions taken up (made and seconded) by the Council may not alter the flow of business or the discussion of business on the adopted agenda.

E. Rules of Debate:

Prior to speaking or making a motion, the presiding officer must be recognized. RRONRiB requires those desiring recognition to stand, but not before someone who is speaking has finished. (pg. 29) This is in conflict with the established Council procedure of using light switches to indicate a desire to be recognized to speak. The presiding officer should require a member make a motion before discussion begins on an issue. The member should use very specific and clear language so that all may understand the issue or motion before Council. The motion is an indication that there is a formal proposal by a Council member that the group take a certain action. A motion must have a second before it moves forward to debate. A second is required to indicate that more than one person wishes to entertain that motion and proceed to discussion on the motion. If only one person is interested in the motion and there is no second, the council's time need not be taken up with business that only one member wants to discuss.

F. Rules of Debate:

Decisions are made by motion. Once a motion has advanced to discussion, every member of Council has the right to speak on the motion once *before* (s)he may speak a second time. Additionally, each member may only speak twice on the same motion on the same day. RRONRiB, (pg. 30). In all debate, speeches and discussion must be germane or have some bearing on whether the pending the motion should or should not be adopted. Going off topic is not in order. The Chair has the right to call a member who strays off topic out of order and request that the (s)he stick to the topic. Additionally, RRONRiB sets time limits on how long one speaker may hold the floor – 10 minutes (! *Emphasis added*). However, Council may wish to adopt other time limits for one speaker to hold the floor. Many jurisdictions do just that.

Debate should be devoid of personal attacks. Personal attacks may quell otherwise valuable discussion and debate. However, vigorous discussion of the issue is encouraged. In fact, Council did adopt some protocol and

procedure dealing with discussion and debate which is addressed in Number 2 below.

**2. Current and past Town Council protocol.**

In researching Town records, I located three documents dealing with Town Council procedure:

- A. Dumfries Town Council Operating Covenant (10-26-08),  
Adopted on November 5 2008, by then Council members: Mayor Yohey, Vice Mayor Washington, Council Ladies Barr, Cornell, and West, and Councilman Toney. Councilman Brewer signature does not appear although he may also have approved it. (Attached)
- B. Town Council, Town of Dumfries Public Hearing Protocol  
(Date of formal adoption, if ever, is unknown) (Attached)
- C. Code of Conduct for Elected Officials  
(Created presumably 6-4-2010 but the document is undated and appears in draft form). (Attached) I can find no evidence of Town Council formally adopting it.

All of the above evince efforts by the Town Council to come to some agreement on how it conducts its meetings, including the use of parliamentary procedure in conducting public hearings and the Town's business. The above comprise good initiatives for Council to consider should it choose to formally adopt or readopt these documents or should it choose to amend, revise, or augment its rules of procedure. They are provided for your consideration and review.

**3. Legalities governing public meetings.**

(Some of the below may be surprising)

- A. There is no legal right to be heard at a council meeting unless a public hearing is required. The Virginia Freedom of Information Act ensures that the public body will conduct business in an open forum where citizens are allowed to be present (with the exception of the few statutory matters allowable for closed session), however aside from public hearings, the public has no right to be heard at meetings of council. The United States Supreme Court stated, "the Constitution does not grant to members of the public a right to be heard by public bodies making decision of policy." *Minnesota State Bd. For Community Colleges v. Knight*, 465 U.S. 271 (1984).

- B. Notwithstanding the above, most public bodies in Virginia (Councils and Boards of Supervisors *et al*) do allow for a citizen comment period but not at every meeting and in most cases, the citizen comment is for items which are *not* on the agenda. Citizen comment periods are limited in time, usually three minutes. It is permissible, even if it is a public hearing, to limit citizen comments to less than the usual 3 minutes if there are numerous citizens signed up to speak. It will ensure that the body will be able to hear all the citizens who wish to address the council or board. Some Councils limit the total time allowed during any public meeting for comment from members of the public. (Diffusing I.E.Ds (Inflamed, Enraged Discourses During Public Hearings and Citizen Comment Periods, William Hackworth, Roanoke City Attorney, LGA Seminar 6/2011). It is wise to have adopted policies in order to avoid possible accusations that citizens' comments are being limited *ad hoc*.)
- C. The presiding officer of the Council may request that disruptive citizens leave the chamber and in fact, governing bodies can have disruptive citizens removed for disruptive behavior. A citizen does not have a First Amendment right to disrupt the orderly conduct of a public body. (Councils are on more solid footing if they have adopted some procedural rules which speak to this.) *Steinburg v. Chesterfield County Planning Commission*, 527 F3rd 377 (4<sup>th</sup> Cir. 2008). In this case, the Court rejected a First Amendment claim made by Mr. Steinburg who was removed from the public meeting and arrested for disorderly conduct. (Charges were later dropped.)
- D. The presiding officer has the right to insist that citizens who address the council during a public hearing on stay on topic. It is appropriate for the chair of the public body to call a citizen out of order if the citizen starts to rant about issues that are not before the governing body at that time. *See, Steinburg infra*. Mr. Steinburg was removed for being not only disorderly but for refusing to stay on topic.
- E. Virginia Code Section 15.2-1400 gives a governing body the authority to discipline a member of the body for disorderly behavior. Specifically Subsection D allows the governing body to punish or fine a member for disorderly behavior. In *Steven D. Whitener v. David McWatters, et al*, 112 F3rd 740 (4<sup>th</sup> Circuit 1997), a Loudoun County Board disciplined a member for using profanity and abusive language when confronting other members of the board. The disciplined member filed suit alleging that his First Amendment rights were violated. The district court dismissed the case and the Fourth Circuit affirmed holding that a public body has the right to discipline a member who was misbehaving as it was a core legislative act and as such, supersedes the individual member's First Amendment Right in this instance. The governing body has absolute legislative immunity in disciplining an abusive member.

F. In 2009, the City Council of Portsmouth fined its mayor \$2500 for an extended pattern of abusive conduct towards a member of the City Clerk's office. The mayor had requested the individual to perform several inappropriate activities and criticized the staffer in an insulting and demeaning fashion when tasks were not performed to his satisfaction.

**4. Samples of other jurisdictions' adopted rules of procedure:**

- A. City of Lynchburg – Lynchburg City Council Rules of Procedure (2010) (Attached.)
- B. City of Falls Church – Rules of Procedure, City Council, City of Falls Church, Virginia (2010) (Attached.)
- C. Powhatan County – Rules of Order for the Powhatan County Board of Supervisors (2011) (Attached).

**5. Conclusion:**

It must be emphasized that the presiding officer of the governing body controls the public meetings and hearings. The local government lawyer is frequently designated to serve as the parliamentarian, but it is not the role of the lawyer to direct the course of the meeting. Parliamentarians are for the limited purpose of clarifying points of order (or occasionally motions) for the council when called upon to do so. Town Council can choose to request a less active role for its parliamentarian. City Attorney for Lynchburg reported that his Council requested that he "treat council meetings like ACC Tournaments. When we're about to commit a flagrant foul that would invalidate a decision, let us know. Otherwise, let us play and don't worry about calling fouls." Please consider the role you collectively envision for a parliamentarian so that I may meet your expectations.

As Council reflects on all of the above and the examples provided, I ask that you consider what you like and do not like and endeavor to give feedback by marking up the attachments – either the adopted rules from other jurisdictions and/or the previously considered or adopted rules and protocol for the Town and returning them to me. If there is consensus on wanting some supplementary rules of procedure to augment or amend your adopted RRO NRiB, I will attempt to bring back to council a draft document, based on your input for your consideration, approval, and adoption in the future.

Should Council wish, I am available to schedule informal worksessions(s) to discuss this further. Perhaps we can schedule a series of these for 30 minutes each or so and meet just prior to the Council meetings. Or I can meet with you in smaller groups. We will abide by the open meeting laws where three or more choose to meet to discuss these.

## Dumfries Town Council Operating Covenant (10-26-08)

We covenant with each other to follow these guidelines:

1. Council's work sessions will be used for in-depth discussions and analysis of issues. Council Members will ensure they use time effectively by bringing up concerns and getting questions answered in these meetings.
2. In regular Council meetings, the Mayor will ensure that everyone has an opportunity to speak to issues by using a round robin approach. The Mayor may use a second pass to enable Council Members to provide additional information or insight. Council Members will limit their remarks to 3 minutes or less.
3. Council Members will wait to be recognized before speaking.
4. Council sets policy and the manager handles the day-to-day operations and the staff.
5. Council will use its collective 2020 vision statement as its guide in all policy decisions.
6. Council Members will treat each other in a professional manner by:
  - Being open minded and not making assumptions about Member's positions and motives
  - Listening to each other
  - Understanding that people express themselves differently
  - Addressing each other with respect
  - Avoiding criticism, ridicule, and sarcasm
7. Thorough discussion of issues should be welcomed.
8. Council Members will assist Town staff members in being effective by:
  - Being respectful when asking questions (give time to answer; avoid asking questions in an accusing fashion)
  - Avoid attacking people; address the process instead
  - Communicating concerns that you have heard in the community before the meeting
9. As a general rule, Council Members will be provided with relevant information on matters of policy before the meeting so that they have time to read and prepare. The Council understands that there may be an occasional situation or emergency that precludes this.
10. As a general rule, Council Members will notify the Town Manager of those items that they would like to have placed on the agenda that require staff preparation prior to the setting of the agenda.
11. Council Members may add items to the agenda immediately prior to the meeting.
12. Individual Council Members will be prohibited from directing the staff to take specific actions without the consent of the Council as a whole.
13. Avoid re-hashing the past; focus on future behavior and results.

In recognition of the desire of the Council members to operate in an effective manner and in order to achieve maximum opportunity for the understanding of issues, we hereby covenant with one another to operate under the above guidelines.

Signed, the 5<sup>th</sup> day of November 2008.

Fred E. Yohey  
Mayor Fred Yohey

Clyde Washington  
Vice-Mayor Clyde Washington

Dorothea Barr  
Council Member Dorothea Barr

Charles Brewer  
Council Member Charles Brewer

N. Sue Cornell  
Council Member N. Sue Cornell

Willie J. Toney  
Council Member Willie J. Toney

Nancy West  
Council Member Nancy West

**TOWN COUNCIL  
TOWN OF DUMFRIES**

**PUBLIC HEARING PROTOCOL**

- The purpose of a public hearing is for the elected and appointed officials of this Town to listen carefully to the verbal expressions of position and opinion from the citizens of the Town.
- Comments from citizens who are not residents of the Town will be entertained once all Town residents are heard.
- All public hearings are advertised weeks prior to the scheduled hearings and the notices indicate where citizens can obtain information pertinent to matter scheduled for public hearing.
- Public hearings are not question and answer sessions or debates and all statements should be addressed to the chair.
- Public hearings are intended to give citizens an opportunity to influence the public decision process based on prior research and discussions with appropriate public officials.
- Persons speaking at public hearings are respectfully requested to keep comments brief, not to exceed three (3) minutes, and to address only those issues pertinent to the matters advertised for public hearing.
- Applicants, or representatives of the applicant, will be allowed ten (10) minutes to introduce information regarding the matter advertised for public hearing. All comments are to be pertinent to the issue being considered.
- Written copies of statements made at public hearings are requested but not required.

## CODE OF CONDUCT FOR ELECTED OFFICIALS

This Code of Conduct is designed to describe the manner in which Council members should treat one another, Town staff, constituents, and others with whom they come into contact in representing the Town of Dumfries. The Town Council has adopted the Code of Conduct to assure public confidence in the integrity of local government in its effective and fair operations. The Town Council believes that the citizens and businesses of the Town of Dumfries are entitled to fair, ethical and accountable local government that has earned the public's full confidence for integrity. In keeping with the Town's commitment to excellence, the effective functioning of democratic government requires that public officials comply with both the letter and spirit of law and policies affecting the operations of government; that they be independent, impartial, and fair in their judgment and actions; that they be used for public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility. Elected officials are called upon to exhibit appropriate behavior at all times. ***Demonstrating respect for each individual through words and actions is the touchstone that can help guide Council members to do the right thing in even the most difficult circumstances.***

It is the responsibility of each Town Council member to act in a manner which contributes to cultivating public trust in the integrity of government. Public trust in the integrity of government is cultivated when individual public servants act with integrity and when the public is aware that its servants act with integrity. Therefore, dedicated public servants not only act with integrity, but also choose to avoid even lawful activity when the appearance of impropriety would lessen the public's confidence in the integrity of its servants and its system. As a result, sometimes public servants sacrifice opportunities which would be open to them if they were not public servants.

Most public servants strive to live by these standards most of the time, but because sometimes some do not, some formal policies are necessary. Although this Code of Conduct is necessary to identify minimum standards below which a public servant's conduct cannot fall without the risk of penalty, it is understood that a healthy ethical environment for the provision of public service cannot be achieved or maintained by mere adherence to minimum standards/ Therefore, this Code of Conduct also requires additional, positive means of encouraging ethical behavior among its public servants. It is also understood that no external activity can replace the internal commitment which motivates those who act ethically. The principal policy which forms the foundation of this Code of Conduct is to encourage internal commitment by establishing and maintaining a work environment which supports integrity with pride and enthusiasm.

This document is not designed to cover every conceivable situation which might arise in the conduct of those charged with the governance of the Town. It is anticipated to be a dynamic document subject to review and amendment from time to time and as the need may arise. Specifically, it is anticipated that this document will be reviewed on at least an annual basis.

### **I. Overview of Roles and Responsibilities.**

#### **A. Mayor**

- Acts as the official head of the Town for all ceremonial purposes.
- Chairs Council meetings.
- Calls for special meetings.
- Recognized as the spokesperson for the Town.
- Serves as the liaison between the Council, the Town Manager and the Town Attorney.
- ***Leads Council into an effective, cohesive working team.***
- Signs documents on behalf of the Town.

#### **B. Vice Mayor**

- Serves at the pleasure of the Council.
- Performs the duties of the Mayor if the Mayor is absent or disabled.
- Chairs Council meetings at the request of the Mayor.

#### **C. Council Members**

All members of Town Council, including those serving as Mayor and Vice Mayor, have equal votes. No Council member has more power than any other Council member, and all should be treated with equal respect.

All Council members should:

- ***Fully participate in Town Council meetings and other public forums while demonstrating respect, kindness, consideration and courtesy to others.***
- ***Prepare in advance of Council meetings and be familiar with issues on the agenda.***
- Represent the Town at ceremonial functions as requested or as invited.
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in Dumfries Town government.
- Demonstrate honesty and integrity in every action and statement.
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct.

## **II. Policies and Protocol Related to Conduct.**

#### **A. Ceremonial Events.**

Requests for a Town representative at ceremonial events will be handled by Town staff. The Mayor will serve as the designated Town representative. If the Mayor is unavailable to serve, the Vice Mayor will serve as the designated Town representative. If the Vice Mayor is unavailable to serve, the Mayor will designate another Council member to serve as the designated representative. Invitations received at Town municipal offices are presumed to be for

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official Town representation. Invitations addressed to Council members at their homes are presumed to be for unofficial, personal consideration.

### **B. Correspondence Signatures.**

Council members do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. Town staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by another Council member or Town staff.

If correspondence is addressed only to one Council member, that Council member should check with staff regarding the best way to respond to the sender.

### **C. Endorsement of Candidates/Fundraising.**

Council members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official Town meetings. No Town Council member shall use his or her position, authority or influence to interfere with or affect the results of an election or to obtain a political or other type of contribution. No Town Council member should attempt to influence in any way the political or fundraising activities of their subordinates. These rules are not intended to preclude Town Council members from political fundraising activities but to ensure that these activities are undertaken only at private initiative and expense and not under any duress, in their roles as private citizens, and do not reflect upon the official activities of the Town.

No Town Council member shall accept any political contribution or political assistance that is offered explicitly for an official act performed or as an inducement for the performance of an official act.

### **D. Legislative Process.**

The Town uses parliamentary procedure for meeting management, as governed by Robert's Rules of Order.

### **E. Non-agenda Items.**

During a designated period of the agenda, citizens, Council members and staff may bring forth issues or questions that are not on the meeting's agenda. Topics should be legislative items requiring action by the Mayor or the Council, study issues for future consideration, and requests for information.

### **F. Public Announcements in Council Meetings.**

Council members who want to speak first during the Public Comment portion of the Council meeting should notify the meeting Chair in advance. Otherwise, Council members will be recognized by the Chair or during the Council member comments portion of the meeting.

### **G. Public Meeting Protocol.**

The applicant shall have the right to speak first. The Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. The Chair will determine how much time will be allowed for each speaker. The applicant will be allowed to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

Council members will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. **"I think" and "I feel" comments by Council members are not appropriate until after the close of the public hearing.** Council members should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

### **H. Impartiality.**

Council members will conduct all Town activities fairly and impartially. Council members shall not for any reason show favoritism in carrying out the Town's business. The receipt of political contributions should not in any circumstance constitute a basis for preferential treatment. Town Council members shall not provide testimonials or endorsements that identify themselves as Town Council members. They are free to make comments as private citizens as long as they make clear that their remarks do not in any way reflect the official position of the Town.

Town Council members shall not ask for or accept more favorable treatment than other residents of the Town. Any transactions should be obtained on terms consistent with those available to the general public.

### **I. Conflicts of Interest.**

Conflicts of interest are governed by Va. Code §2.2-3100 *et seq.*, the State and Local Government Conflict of Interests Act.

All Town Council members must avoid any situation creating a conflict or appearance of conflict between the Town's interests and the personal interests of the Council member. It should be recognized that participation in the activities or leadership of a non-profit organization may create a conflict of interest. Despite the potential conflict of interest, participation in a non-profit organization may create, Council members are encouraged to actively participate in the affairs of the community.

Where a conflict or potential conflict of interest exists, the Town Council member involved must disqualify him or herself immediately from participation in the matter.

### **J. Gifts.**

Being an elected Town official assumes the faithful discharge of one's governmental responsibilities without one's seeking or obtaining additional material gain. Accordingly, Town Council members and their families cannot directly or indirectly ask for or accept gifts from any person or business which is conducting a transaction with the Town or is in a position to benefit from the performance or non-performance of a Council member's responsibilities. This prohibition applies even if the "gift" is solicited to support a governmental function.

For the purposes of this section, a "gift" is defined as the transfer of anything of economic value greater than \$50.00, regardless of the form, without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt, or disposition of political campaign contributions.

#### **K. Use of Town Property.**

No Town Council member shall engage in the unauthorized use of Town property. No Town Council member shall use Town resources to obtain personal benefit.

#### **L. Confidential Information.**

Town Council members shall not disclose confidential information gained by reason of their official position nor shall they otherwise use such information for their personal gain or benefit.

#### **M. Closed Meetings.**

Recognizing that it can be detrimental to the interests of the Town and its citizens for matters discussed in closed meetings of Town Council to be divulged or disclosed by members of Council outside of the closed meeting, each Council member has pledged to each of the other Council members that he or she will not divulge or disclose confidential information discussed in closed meetings.

### **III. Council Conduct with One Another.**

#### **A. In Public Meetings.**

- **Use formal titles.** Council members should refer to one another formally during public meetings as Mayor, Vice Mayor or Council member followed by the individual's last name.
- Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view and criticism of ideas and information are legitimate elements of a free democracy in action. **This does not, however, allow Council members to make belligerent, personal, impertinent, slanderous, threatening, abusive or disparaging comments.** No shouting or physical actions that could be construed as threatening will be tolerated.

- Honor the role of the Chair in maintaining order. It is the responsibility of the Chair to keep the comments of Council members on track during public meetings. Council members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- *Avoid personal comments that could offend other Council members. If a council member is personally offended by the remarks of another Council member, the offended Council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council member to justify or apologize for the language used. The Chair will maintain control of this discussion.*
- Demonstrate effective problem-solving approaches. Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

#### **B. In Private Encounters.**

- Continue respectful behavior in private. The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
- Be aware of the insecurity of written notes, voicemail messages and e-mail. Technology allows words written or said without much forethought to be distributed wide and far. Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.
- Even private conversations can have a public presence. Elected officials are always on display. Their actions, mannerisms, and language are monitored by people around them that they may not know.

#### **IV. Council Conduct with Town Staff.**

##### **A. Treat all staff as professionals.**

Clear, honest communication that respects the abilities, experience and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

##### **B. Limit contact to specific Town staff.**

Requests by Council members for action by any Town staff member, or any follow up on said requests, should be directed **only** to the Town Manager. When in doubt about what staff contact is appropriate, Council members should ask the Town Manager for directions. Materials supplied to a Council member in response to a request will be made available to all members of the Council so that all have equal access to information.

**C. Do not disrupt Town staff from their jobs.**

Council members should not disrupt Town staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

**D. Never publicly criticize an individual employee.**

Council should never express concerns about the performance of a Town employee in public, to the employee directly or to the employee's manager. Comments about staff performance should only be made to the Town Manager through private correspondence or conversation. Comments about staff in the office of the Town Attorney should be made directly to the Town Attorney.

**E. Do not get involved in administrative functions.**

Council members must not attempt to influence Town staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications or granting of Town licenses and permits.

**F. Check with Town staff on correspondence before taking action.**

Before sending correspondence (for example, letters to legislators, contractors or potential contractors, political jurisdictions, boards and commissions, etc.), Council members should check with Town staff to see if any official Town response has already been sent or is in progress.

**G. Do not attend meetings with Town staff unless requested by staff.**

Even if the Council member does not say anything, the Council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

**H. Limit requests for staff support.**

Routine secretarial support will be provided to all Council members. All mail for Council members is opened by the Town Clerk, unless other arrangements are requested by a Council member. Mail addressed to the Mayor is reviewed first by the Town Manager who notes suggested action and/or follow-up items.

Requests for additional staff support, even in high priority or emergency situations, should be made to the Town manager who is responsible for allocating Town resources in order to maintain a professional, well-run Town government.

A Town Council member shall not use his or her position to request or require Town staff to:

1. perform clerical work on behalf of his or her family, business, social, church or fraternal interests; or
2. purchase goods and services to be used for personal, business or political purposes;

**I. Do not solicit political support from staff.**

Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, names on support lists, etc.) from Town staff. Town staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

**V. Council Conduct with the Public.**

**A. In Public Meetings.**

Making the public feel welcome is an important part of the democratic process. No sign of partiality, prejudice or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be welcoming to speakers and treat them with care and gentleness.

Be fair and equitable in allocating public hearing time to individual speakers. The Chair will determine and announce limits on speakers at the start of the public hearing process. **Generally, each speaker will be allocated five-minutes with applicants or their designated representatives allowed more time.** If many speakers are anticipated, the Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.

Give the appearance of active listening. It is disconcerting to speakers to have Council members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

Ask for clarification, but avoid debate and argument with the public. **Only the Chair, not individual Council members, can interrupt a speaker during a presentation.** However, a Council member can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the Council member finds disturbing. If speakers become flustered or defensive by Council questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal opinion or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

No personal attacks of any kind, under any circumstance. Council members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

Follow parliamentary procedure. The Town Attorney serves as advisory parliamentarian for the Town and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Chair, subject to the appeal of the full Council.

### **B. In Official Settings.**

Make no promises on behalf of the Council. Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of Town policy and to refer to Town staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise Town staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

Make no personal comments about other Council members. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council members, their opinions and actions.

Remember that Dumfries is a small town at heart. Council members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the Town. Honest and respect for the dignity of each individual should be reflected in every work and action taken by Council members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

## **VI. Council Conduct with Other Public Agencies.**

### **A. Be clear about representing the Town or personal interests.**

If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state: 1) if his or her statement reflects personal opinion or the official stance of the Town; 2) whether this is the majority or minority opinion of the Council.

If the Council member is representing the Town, the Council member must support and advocate the official Town position on an issue, not a personal viewpoint.

If the Council member is representing another organization whose position is different from the Town, the Council member should withdraw from voting on the issue if it significantly impacts or is detrimental to the Town's interest. Council members should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

**B. Correspondence also should be equally clear about representation.**

Town letterhead may be used when the Council member is representing the Town and the Town's official position. A copy of official correspondence should be given to the Town Clerk to be filed in the Council's records as part of the permanent public record.

If it is best that Town letterhead not be used for correspondence of Council members representing a personal point of view, or a dissenting point of view from an official Council position. However, should Council members use Town letterhead to express a personal opinion, the official Town position must be stated clearly so the reader understands the difference between the official Town position and the minor viewpoint of the Council member.

***VII. Council Conduct with Boards and Commissions.***

**A. If attending a Board or Commission meeting, be careful only to express personal opinions.**

Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation, especially if it is on behalf of an individual, business or developer, could be viewed as unfairly affecting the process. Any public comments by a Council member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire Town Council.

**B. Limit contact with Board and Commission members to questions of clarification.**

It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

**C. Remember that Boards and Commissions serve the community, not individual Council members.**

The Town Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Council members, nor should Council members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

**D. Be respectful of diverse opinions.**

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and

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perspectives. Council members may have a closer working relationship with some individuals serving on Boards and Commissions but must be fair and respectful of all citizens serving on Boards and Commissions.

**E. Keep political support away from public forums.**

Board and Commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council members may support Board and Commission members who are running for office but not in an official forum in their capacity as a Council member.

**F. Inappropriate behavior can lead to removal.**

Inappropriate behavior by a Board or Commission member, including failure to attend meetings or proactively participate in the business of the Board or Commission as necessary, should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council and the individual is subject to removal from the Board or Commission.

***VIII. Council Conduct with the Media.***

**A. Never go "off the record."**

Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

**B. The Mayor is the official spokesperson for the Town.**

The Mayor is the designated representative of the Council to present and speak on the official Town position. If an individual Council member is contacted by the media, the Council member should be clear about whether his or her comments represent the official Town position or a personal viewpoint.

**C. Choose words carefully and cautiously.**

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm or word play. It is never appropriate to use personal slurs or swear words when talking to the media.

***IX. Sanctions.***

**A. Public Disruption.**

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

## **B. Inappropriate Staff Behavior.**

Council members should refer to the Town Manager any Town staff who do not follow proper conduct in their dealings with Council members, other Town staff or the public. These employees may be disciplined in accordance with standard Town procedures for such actions.

## **C. Council members' Behavior and Conduct.**

Town Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured, publicly or privately, by the Council, lose seniority or committee assignments (both within the Town or with inter-governmental agencies) or have official travel restricted. Serious infractions of the Code of Conduct could lead to other sanctions as deemed appropriate by Council.

Council members should point out to the offending Council member infractions of the Code of Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

***It is the responsibility of the Mayor to initiate action if a Council member's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.***

If violation of the Code of Conduct is outside of the observed behaviors by the Mayor or Council members, the alleged violation should be referred to the Mayor. The Mayor should ask the Town Manager to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full Council to consider in a public meeting; or forming a Council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as to recommend sanction options for Council consideration.

## **X. Principles of Proper Conduct.**

**DO...**

- **Keep promises**
- **Be dependable**
- **Build a solid reputation**
- **Participate and be available**
- **Demonstrate patience**
- **Show empathy**
- **Hold onto ethical principles under stress**
- **Listen attentively**
- **Study thoroughly**

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- **Keep integrity intact**
- **Overcome discouragement**
- **Go above and beyond, time and time again**
- **Model professional behavior and manners**

**DON'T...**

- **Show antagonism or hostility**
- **Deliberately lie or mislead**
- **Speak recklessly**
- **Spread rumors**
- **Stir up bad feelings or divisiveness**
- **Act in a self-righteous manner**

***XI. Checklist for Monitoring Conduct.***

**Questions to ask:**

- **Will my decision/statement/action violate the trust, rights or good will of others?**
- **What are my interior motives and the spirit behind my actions?**
- **If I have to justify my conduct in public tomorrow, will I do so with pride or shame?**
- **How would my conduct be evaluated by people whose integrity and character I respect?**
- **Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?**
- **Is my conduct fair? Just? Morally right?**
- **If I were on the receiving end of my conduct, would I approve and agree or would I take offense?**
- **Does my conduct give others reason to trust or distrust me?**
- **Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?**
- **Do I exhibit the same conduct in my private life as I do in my public life?**
- **Can I take legitimate pride in the way I conduct myself and the example I set?**
- **Do I listen and understand the views of others?**
- **Do I question and confront different points of view in a constructive manner?**
- **Do I work to resolve differences and come to mutual agreement?**
- **Do I support others and show respect for their ideas?**
- **Will my conduct cause public embarrassment to someone else?**

**LYNCHBURG CITY COUNCIL  
RULES OF PROCEDURE**

(Adopted September 23, 2008;  
Amended August 11, 2009 and July 9, 2010)

**Introduction**

These rules of procedure were designed and adopted for the benefit and convenience of the Lynchburg City Council. Their purpose is to help City Council conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order Newly Revised* and applicable Virginia laws. The rules of procedure do not create substantive rights for third parties or participants in proceedings before City Council. Further, City Council reserves the right to suspend or amend the rules of procedure whenever a majority of Council decides to do so. The failure of City Council to strictly comply with the rules of procedure shall not invalidate any action of City Council.

**SECTION 1 - PURPOSE AND BASIC PRINCIPLES**

**Section 1-1. Purpose of Rules of Procedure**

- A. To enable the Lynchburg City Council to transact business fully, expeditiously and efficiently while affording every opportunity to citizens to witness the operations of government;
- B. To protect the rights of each individual Council member;
- C. To preserve a spirit of cooperation among Council members; and
- D. To determine the will of City Council on any matter.

**Section 1-2. Basic Principles Underlying Rules of Procedure**

- A. The business of the City Council should proceed in the most efficient manner possible;
- B. City Council's rules of procedure must be followed consistently;
- C. City Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one subject may claim the attention of City Council at one time;
- E. Each item presented for consideration is entitled to full and free discussion;

- F. Every member has equal rights to participate and vote on all issues;
- G. Every member must have equal opportunity to participate in decision making;
- H. The will of the majority must be carried out, and the rights of the minority must be preserved; and
- I. The Council must act as a body.

## **SECTION 2 -- MEETINGS**

### **Section 2-1. When and Where Regular Meetings are Held**

The time and place of regular meetings of the Lynchburg City Council (hereinafter referred to as the Council) shall be established at each organizational meeting. Meetings shall be held in the City Council Chambers, on the first floor in City Hall, as follows:

- Second Tuesday of the month, 5:00 p.m. – Work Session
- Second Tuesday of the Month, 7:30 p.m. – Regular meeting
- Fourth Tuesday of the month, 5:00 p.m. – Work Session
- Fourth Tuesday of the month, 7:30 p.m. – Regular meeting

There will be no regular meeting or work session on the fourth Tuesdays during the months of July, August, and December.

The Council may hold additional meetings or work sessions at other locations and times, or may change the locations and times of regularly scheduled meetings or work sessions as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regularly scheduled meetings or work sessions shall be provided to the public and the press as required by State Code. Additional meetings shall be referred to as “additional scheduled meetings” and shall be approved by Council during a regularly scheduled meeting or work session.

#### **Section 2-1.1. Continued Meetings**

A regular meeting shall be continued to the immediately following Thursday of that week, or to the next regularly scheduled meeting, at the same time and place as the regular meeting if the Mayor, or Vice Mayor if the Mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the Council members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

**Section 2-2. Special Meetings**

A. The Council may hold such special meetings, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time. A special meeting of the Council shall be called pursuant to Section 15.2-1417 of the Code of Virginia (1950), as amended, Section 9 of the City Charter and Section 2-19 of the City Code.

B. Special meetings may be called by the Mayor, the City Manager, or any two (2) members of the Council in writing to the Clerk of Council for the purpose stated in the notice of the special meeting. The Clerk of Council shall forthwith notify the members of the Council of the time and place designated and the purpose of the meeting. Written notice of the special meeting shall be delivered to each member of the Council by leaving a copy thereof at his or her place of abode or place of business at least twelve hours before the time scheduled for the special meeting. Only matters specified in the notice of the special meeting shall be considered unless (1) all of the members of the Council are present and (2) the Council determines in good faith at the meeting that it is essential to discuss or act on such additional item(s) immediately.

C. Notice to the public of any special meeting shall be given contemporaneously with the notice provided the members of the Council, the City Attorney, and the City Manager.

**Section 2-3. Legal Holiday**

When a regularly scheduled meeting falls on a legal holiday, the meeting shall be held on the following business day unless the meeting is canceled by a majority vote of the Council.

**Section 2-4. Adjourned or Recessed Meetings**

A. A meeting of the Council is adjourned when the Council has finished its business and is bringing the meeting to a close, with the intention of holding another meeting at a later date. Generally, when a meeting of the Council is adjourned, the next meeting of the Council is preceded by opening ceremonies. A meeting of the Council is recessed when the Council takes a break between sittings and after the recess business is resumed where it left off.

B. A properly called regular, additional scheduled, or special meeting may be recessed or adjourned to a time and place certain by a motion made and adopted by a majority of the Council in open session during the regular, additional scheduled, or special meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed or adjourned session of a properly called regular, additional scheduled or special meeting.

**Section 2-5. Cancellation or Rescheduling of Meetings**

A regularly scheduled meeting may be cancelled or rescheduled, in special circumstances and for the convenience of Council, if the change would not impact an advertised public hearing

or a scheduled public presentation. The Mayor and Vice Mayor shall agree to any such change and the remaining members of the Council shall be immediately notified of the change and the reason therefore. If any member of the Council objects, the regularly scheduled meeting shall proceed as originally planned. In the event that no member of the Council objects, the public and the media shall be notified promptly of the change.

**Section 2-6. Organizational Meeting**

A. The first meeting in July of each year in which a Council election is held shall be known as the organizational meeting. The Clerk of Council shall preside during the organizational meeting pending the election of the Mayor.

B. The Mayor shall be elected at the organizational meeting for a term of two years.

C. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

D. Following the election of the Vice Mayor, the Council shall:

1. Establish the dates, times and places for regular meetings; and
2. Adopt its Rules of Procedure.

**Section 2-7. Procedure for Election of Mayor and Vice Mayor**

A. The Clerk of Council shall preside during the meeting at which the Mayor is elected, pending the election of the Mayor. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

1. The presiding officer shall call for nominations from the membership.
2. Any Council member, after being recognized by the presiding officer, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominees.
3. After all nominations have been made the presiding officer shall close the nominating process and open the floor for discussion.
4. After discussion the presiding officer shall call for the vote.
5. The membership shall vote by written ballot and the completed ballots shall immediately be passed to the Deputy Clerk who shall collect the ballots, read them aloud, publicly announce how each member of the Council voted and tally the respective votes.

6. Each member shall cast one vote for any one nominee.
7. In the case of three-way race, the candidate receiving the least number of votes will be dropped from the slate of nominees, and another vote will be taken.
8. A majority of those voting shall be required to elect the Mayor or Vice Mayor.

B. The Mayor and Vice Mayor shall serve until replaced.

**Section 2-8. Seating Arrangement**

The Mayor shall occupy the center seat on the dais with the Vice Mayor occupying the seat at his or her immediate right. The remaining members of the Council shall determine their seating arrangement by seniority with the most senior member selecting his or her seat first and the remaining members selecting their respective seats in seniority order based on years served on the Council. In the event that two or more Council members have equal seniority, the selection of seating for those members shall be determined by chance.

**SECTION 3 -- OFFICERS**

**Section 3-1. Mayor and Vice Mayor**

The Mayor shall preside over all meetings of the Council. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and Vice Mayor, the Council members present shall choose one of their members as temporary presiding officer.

**Section 3-2. Clerk**

The Clerk of Council shall be appointed by the Council. He or she shall prepare the agenda for Council meetings, shall attend all Council meetings, and shall keep an accurate record of the proceedings.

**Section 3-3. Parliamentarian**

The City Attorney shall serve as the Parliamentarian for the purpose of interpreting these Rules of Procedure and the Code of Virginia (1950), as amended, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Council members. If the City Attorney is unavailable, the City Manager shall serve as the Parliamentarian.

**Section 3-4. Preservation of Order**

A. At meetings of the Council, the presiding officer shall preserve order and decorum. The presiding officer shall have the following powers:

1. To rule motions in or out of order, including any motion not germane to the subject under discussion or patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency.

B. A decision by the presiding officer under any of the first three powers listed above may be appealed to the Council upon motion of any member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order. There are two exceptions to this right of appeal. The presiding officer may adjourn without the Council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the members.

## **SECTION 4 – AGENDA**

### **Section 4-1.           Preparation**

A. The Clerk of Council shall prepare an agenda for the regularly scheduled meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".

B. Any Council member may request that items be placed on a meeting agenda by contacting the Clerk at least seven (7) days prior to the Council meeting for which they wish the item scheduled. The Clerk shall place requested items on the agenda for the next regular meeting or work session, as appropriate, following the request.

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the following regular work session agenda for consideration.

D. Nothing herein prohibits the Council from adding items to the agenda, provided that such a request is in the form of a motion, voted upon by a majority of the Council. Members must use discretion in requesting the addition of items on the agenda. It is considered desirable to have items listed on the published agenda.

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing on the item.

F. Any individual or group who wishes to address the Council during a regular meeting on any item of City business shall submit a written request to be on the agenda to the Clerk of Council by noon on the Wednesday preceding the Council meeting.

**Section 4-3. Delivery of Agenda**

The Council meeting package, including the agenda and related materials, shall be delivered to each member of the Council and the City Attorney the Thursday prior to the Tuesday Council meeting.

**Section 4-4. Copies**

The Clerk of Council shall prepare or cause to be prepared extra copies of the meeting package and shall make the same available to the public and the press in the Council/Manager Offices contemporaneous with delivery to the Council. Copies will also be available in the Main and Downtown branches of the Public Library and at the Front Information Desk in City Hall for public inspection.

**Section 4-5. Internet**

The Clerk of Council shall post the agenda documents for all Council meetings on the Internet for public information as promptly as possible.

**SECTION 5 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS**

**Section 5-1. Order of Business**

A. At regular meetings of the Council on the 2nd and 4th Tuesdays of the month, the order of business shall generally be as follows:

1. Call to Order
2. Invocation & Pledge of Allegiance
3. Special Recognitions by the Mayor or Council (if any)
4. Consent Agenda
5. Public Hearings
6. Public Presentations (if requested)
7. General Business
8. Closed Meeting (if necessary)
9. Adjournment

B. The above order of business may be modified by the Clerk of Council to facilitate the business of the Council.

C. Council work sessions are less formal meetings and the agenda may be as determined by the City Manager and Clerk of Council to best facilitate the business of the Council.

**Section 5-2. Consent Agenda**

A. The consent agenda shall include, by way of illustration but not limitation, the following:

1. Approval of minutes.
2. Ordinances or resolutions that are routine.
3. Final/second readings of appropriations, ordinances or resolutions which received unanimous approval upon introduction at a previous meeting.
4. Any item believed by the Clerk of Council to be routine and not controversial in nature.

B. The consent agenda shall be introduced by a motion "to approve", and shall be considered by the Council as a single item.

C. There may be a short discussion of consent agenda items to answer questions or clarify a matter. There shall be no lengthy debate or discussion of a consent agenda item.

D. Upon request of any Council member, an item shall be removed from the Consent Agenda. The item shall be considered separately after adoption of the Consent Agenda.

**Section 5-3. Citizen Participation**

A. Every petition, communication or address to the Council shall be in respectful language and is encouraged to be in writing.

B. Public Presentations

1. Individuals or groups wishing to speak at a regular Council meeting shall submit a written request to the Clerk of Council by noon on the Wednesday prior to the regular meeting date.
2. Public presentations shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.
3. Remarks shall be addressed directly to the Council and not to staff, the audience, or the media.

4. The presiding officer shall open the Public Presentations.
5. Each speaker shall clearly state his or her name and address. If the speaker is uncomfortable stating his or her address in public, he or she may provide that information privately to the Clerk of Council after speaking.
6. There shall be a time limit for each individual speaker of 3 minutes.
7. A representative of a group may have up to five (5) minutes to make a presentation. The representative shall identify the group at the beginning of his or her presentation. A group may have no more than one spokesperson.
8. There shall be no comment during Public Presentations on a matter for which a public hearing is scheduled during the same meeting.
9. There shall be no comment during Public Presentations on a matter that has already been the subject of a previous public hearing where no final vote has been taken.
10. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting or work session by a majority vote.
11. Council members shall not discuss issues raised by the public except by consent of a majority of the Council members present.
12. Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of the Council present and voting.
13. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Council members at any time during the meeting. Such written comments shall be submitted through the Clerk of Council.

C. Other than as stipulated above or during public hearings, no person shall be permitted to address the council orally, except by permission of the Council, and such permission shall not be granted unless with the consent of a majority of the members of the Council present at such meeting.

D. No speaker's time shall be extended except by unanimous consent or a two-thirds (2/3) vote of the Council members present.

E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit nine (9) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.

**Section 5-4. Prohibited Conduct**

- A. Persons appearing before the Council will not be allowed to:
1. Campaign for public office;
  2. Promote private business ventures;
  3. Use profanity or vulgar language or gestures;
  4. Use language which insults or demeans any person or which, when directed at a public official or employee is not related to his or her official duties, however, citizens have the right to comment on the performance, conduct, and qualifications of public figures;
  5. Make non-germane or frivolous statements;
  6. Interrupt other speakers or engage in behavior that disrupts the meeting including but not limited to applause, cheers, jeers, etc.;
  7. Engage in behavior that intimidates others;
  8. Address the Council on issues that do not concern the services, policies or affairs of the city.

B. The presiding officer shall preserve order and decorum at Council meetings. He or she may order the expulsion of any person for violation of these rules, disruptive behavior, or any words or action which incites violence or disorder, subject to appeal to the Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which expelled. Any person who has been so expelled and who at a later meeting again engages in behavior justifying expulsion may also be barred from attendance at future Council meetings for a specified and reasonable period of time not to exceed six months, or upon a still subsequent expulsion a period not to exceed one year either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

**Section 5-5. Public Hearings**

A. This section of the agenda shall be for public hearings as required by City, State, or Federal law, or as the Council may direct.

B. The presiding officer shall conduct all public hearings.

C. The order of public hearings shall be as follows:

1. The presiding officer shall open the public hearing.

2. Hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission or committee by recognizing the City Manager. The presentation shall summarize the facts about the issue and the staff recommendation. Council members may seek clarification during the presentation.

3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation.

4. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and address. If the speaker is uncomfortable stating his or her address in public, he or she may provide that information privately to the Clerk of Council after speaking. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The Council, by unanimous consent or by a two-thirds (2/3) vote of the members present, may allow any speaker to proceed past the time limit.

5. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.

D. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. Council members, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.

E. Following the close of the public hearing, the presiding officer may entertain a motion to dispose of the issue and the Council may debate the merits of the issue.

**Section 5-6. General Business**

This section of the agenda shall include items of a general nature to be considered by the Council. The last items on the agenda shall be adoption of appropriation resolutions introduced at a previous meeting which did not receive unanimous vote upon introduction. After the presiding officer has stated the item for consideration, staff may be asked to provide a brief summary.

**Section 5-7. Items Not on the Agenda**

With the Council's consent, items may be added to the agenda to respond to situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda.

**Section 5-8. Closed Meetings**

A. Closed Meetings should only be used when the matter to be discussed is too sensitive for discussion in public and only as allowed by law.

B. No meeting shall become a Closed Meeting until the Council takes an affirmative record vote during the open meeting.

1. The motion shall state specifically the purpose or purposes which are the subject of the closed meeting and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Freedom of Information Act, which authorizes the Closed Meeting.

2. Members shall request the assistance of the City Attorney when making additions to the published Closed Meeting agenda.

C. No resolution, ordinance, rule, contract, regulation or motion considered in a Closed Meeting shall become effective until the Council reconvenes in an open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.

D. At the conclusion of a Closed Meeting, the Council shall reconvene in open meeting immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements were discussed; and;

2. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed or considered.

3. Any member who believes that there was a departure from the above requirements shall so state prior to the presiding officer's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

E. The failure of the certification to receive the affirmative vote of the majority of the members present during the Closed Meeting shall not affect the validity or confidentiality of the

Closed Meeting with respect to matters considered therein in compliance with the Freedom of Information Act.

F. The Council may permit non-members to attend a Closed Meeting if their presence would reasonably aid the Council in its consideration of an issue.

G. Individuals attending a Closed Meeting should respect the Council's decision that the subject matter is too sensitive for public discussion and should treat the Closed Meeting discussion as confidential.

## **SECTION 6 – RULES OF PROCEDURE FOR COUNCIL MEETINGS**

### **Section 6-1. Quorum**

A. As provided by Section 15.2-1415 of the Code of Virginia, a majority of the members of the Council must be present to conduct business. A quorum is a majority of the entire membership of the Council, including any vacant seats.

B. Quorum refers to the number of members present at a 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.

C. If a quorum fails to attend any meeting, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the Clerk of Council shall enter such adjournment in the minute book of the Council and shall notify absent members thereof in the same manner as required for special meetings.

D. If the Virginia Conflict of Interests Act prevents some of the members of the Council from participating in an item of business, Sections 2.2-3112 and 15.2-1415 of the Code of Virginia provide that a majority of the remaining members of the Council shall constitute a quorum.

### **Section 6-2. Priority in Speaking on the Council**

When two or more members of the Council wish to speak at the same time, the presiding officer shall name the one to speak.

### **Section 6-3. Comments, Queries of Council Members**

Council members are to observe the following rules during the discussion of agenda items:

A. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.

B. Council members may address questions to the City Manager or staff present at the meeting. Staff members should be at a microphone when answering Council members' questions. All legal questions should be addressed to the City Attorney.

**Section 6-4. Action by the Council**

A. Items of business will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

B. When a proposal is perfectly clear to all present, and the proposal will not obligate the Council in any manner nor finally decide an issue before the Council, action can be taken upon the unanimous consent of the Council members present, without a motion having been introduced. However, unless agreed to by unanimous consent, all proposed actions of the Council must be approved by vote under these rules. Silence, or the lack of spoken dissent, is taken as consent.

**Section 6-5. Motions**

A. Informal discussion of a subject is permitted while no motion is pending.

B. Any member, including the presiding officer, may make a motion.

C. Members are required to obtain the floor before making motions or speaking, which they can do while seated.

D. A member may make only one motion at a time.

E. Except for matters recommended by a Council committee, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

**Section 6-6. Substantive Motions**

A. A substantive motion is any motion that deals with the merits of an item of business and is within the Council's legal powers, duties and responsibilities.

B. A substantive motion is out of order while another substantive motion is pending.

## **Section 6-7. Procedural Motions**

A. Procedural motions are those motions that the Council may use to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is not available.

1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council which shall decide the matter by majority decision. Such an appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order.

2. Motion To Adjourn. At a meeting of the Council, a motion to adjourn shall always be in order. The motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. The motion is not debatable and cannot be amended.

3. To Take a Brief Recess. This motion allows the Council to pause briefly in its proceedings. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending

4. To Suspend the Rules. The Council may suspend provisions of its rules of procedure. The Council may not, however, suspend any provisions of the rules that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of two-thirds (2/3) of members present.

5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:

(a) The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid

on the table, a motion to “take from the table” is needed to bring the item back before the public body for discussion.

(b) The motion to “postpone” delays debate on an item of business so that it may be considered at a later date. An item of business may be “postponed definitely,” when it is continued to a definite time or date or “postponed indefinitely” if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.

(c) Section 15.2-2286 of the State Code requires that a zoning petition must be “acted upon” within a “reasonable time,” not exceeding one year. The Council may defer action on a zoning petition for consideration at a more convenient time. However, the Council may not dispose of a zoning petition with a motion to postpone indefinitely.

6. Call the Question. The motion to call the question is not in order until every member of the Council has had an opportunity to speak once and the deliberation by the Council on an item of business has exceeded thirty (30) minutes. The motion is not amendable or debatable.

7. To Amend. Any substantive motion properly on the floor may be amended. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a substitute motion. A motion may be amended no more than twice. Once a motion has been offered to the Council, it is up to the Council to decide whether or not it should be changed by amendment. It is not necessary for the person making the original motion to approve of any proposed amendment to the motion.

8. Substitute Motion. A substitute motion shall be allowed to replace any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If the substitute motion fails, the former motion can then be voted on. If the substitute motion passes, the substitute motion replaces the main motion and the new main motion will be considered and acted upon by Council. No more than one (1) substitute motion may be made. If a substitute motion passes and replaces the main motion, no further substitute motions may be made. (Amended July 9, 2010)

9. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

10. Motion to Reconsider. The Council may vote to reconsider its action on a matter. The motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a member who voted with the prevailing side. In the event of a tie vote on the original motion any Council member may introduce a motion to reconsider. The motion cannot interrupt deliberation on a pending matter but is in order when action on a pending matter concludes. A motion to reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

11. Motion to Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership (4) of the Council. If adopted, the restriction imposed by the motion remains in effect for six months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules

**Section 6-8.            Debate**

A.     The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
4. A member of the Council may vote against his or her motion, but may not speak against his or her motion.
5. The presiding officer may participate in the debate prior to declaring the matter ready for a vote.

**Section 6-9.            Duty to Vote**

A.     Each member of the Council who is present at a meeting shall be required to vote upon all issues presented for decision unless prohibited from doing so by the Virginia Conflict of Interests act or unless excused from voting by the other members of the Council. A member who wishes to be excused from voting shall state his or her reasons for abstaining and the presiding officer shall ask if any of the remaining members object. If there are any objections, the Council shall take a vote of the remaining members on the question of whether or not to allow the member to abstain from voting.

B. If there is an abstention, it shall be the responsibility of the Clerk of Council to note the abstention and the reason for abstaining for the record.

**Section 6-10. Method of Voting**

A. After debate, the presiding officer shall ensure that the motion is clear and call for the vote.

B. All questions submitted to the Council shall be determined by a majority vote of the members voting on any such question, unless otherwise required by special or general law. A majority is more than half.

C. An “affirmative vote” by a majority of the Council present being necessary to adopt a motion, a tie vote means that the motion has been rejected. When a motion fails on a tie vote, the “noes” prevail.

D. All questions submitted to the Council for decision shall be decided by a vote of the Council utilizing the electronic voting board in Council chambers. In the event of a malfunction of the electronic voting board, or if the meeting is held in a space without such a device, the question shall be decided by an oral vote of "aye" or "nay". Any member may request a roll call vote. In any case, the presiding officer shall announce the results of the vote

**Section 6-11. Decisions on Points of Order**

Any Council member may raise a point of order without being recognized by the presiding officer. The presiding officer shall refer any point of order to the Parliamentarian. The Parliamentarian shall advise the presiding officer who shall then make a ruling on the point of order. A Council member may appeal the ruling of the presiding officer to the full Council which shall decide the matter by majority decision.

**SECTION 7 -- BOARDS, AUTHORITIES, COMMISSIONS AND COMMITTEES**

**Section 7-1. Appointments to Boards, Authorities, Commissions, and Committees**

A. Members of boards, authorities, commissions and committees shall be appointed by an affirmative vote of a majority of the members of the Council to serve specified terms as may be deemed to be appropriate by the Council.

B. The Mayor shall make all appointments to, and select the chairs of, the Council’s two standing committees (Finance and Physical Development). Substitutes or alternates may participate on Council committees only if so authorized by the Mayor. Committee members will serve two-year terms.

C. Ad hoc committees, such as special task forces, may be created from time to time, for specific purposes, as determined by the Council.

**Section 7-2. Standing Committees Roles and Guidelines**

A. The roles of and the operating guidelines for the Finance and Physical Development committees shall be as adopted by a majority of the Council.

**SECTION 8 -- GENERAL OPERATING POLICY**

**Section 8-1. Broadcasting Council Meetings**

Regular meetings and work sessions of the Council shall be broadcast live on the City Government Channel 15 and the Internet. Copies of the broadcast may be obtained by the public from the Department of Communications and Marketing at cost.

**Section 8-2. Numbering and Indexing of Resolutions and Ordinances**

It shall be the responsibility of the Clerk to number and index all resolutions and ordinances adopted by the Council. The resolutions shall be numbered consecutively, and use the last two digits of the calendar year. Example: for the first resolution in January, 2008, the resolution number would be shown as: #R-08-01. Ordinances shall also be numbered consecutively.

**Section 8-3. Minutes of the Council Meetings**

The minutes of the Council meetings shall reflect the official acts of the Council. They shall provide a summary of discussion and record Council votes. Minutes shall be considered for approval within a reasonable time after the meeting they record.

**Section 8-4. Amending the Rules of Procedure**

These rules may be amended at any regular meeting, or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment shall require an affirmative vote of four (4) members of the Council.

**Section 8-5. Special Rules of Procedure**

The Council may adopt its own special rules of procedure to cover any situations that are not adequately addressed in these Rules of Procedure. Adoption of a special rule of procedure shall require an affirmative vote of a majority of a quorum of the Council.

**AMENDMENTS:**

August 11, 2008: the time of Council meetings was changed to the present schedule.

July 9, 2010: amended Section 6-7, B (8) to stipulate that if a substitute motion passes it becomes the main motion for consideration and action and there may be no additional substitute motions.

RESOLUTION 2010-27

RESOLUTION AMENDING RESOLUTION 2010-25 ADOPTING  
RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY  
OF FALLS CHURCH, VIRGINIA AS OF JULY 1, 2010

WHEREAS, Section 4.05 of the City Charter of the City of Falls Church requires the newly-elected City Council to adopt Rules of Procedure; and

WHEREAS, Rules of Procedure of the City Council were adopted on July 1, 2010 by Resolution 2010-25; and

WHEREAS, the City Council has reviewed the adopted Rules of Procedure and desires to amend and readopt those Rules herewith.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Falls Church, Virginia that the City Council hereby amends Resolution 2010-25 and readopts the City Council Rules of Procedure attached hereto and incorporated herein.

These Rules of Procedure shall supersede all previously adopted Council Rules.

Reading: 7-12-10  
Adoption: 7-12-10  
(TR10-29)

IN WITNESS WHEREOF, the foregoing was adopted by the City Council of the City of Falls Church, Virginia on July 12, 2010 as Resolution 2010-27.



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Kathleen Clarcken Buschow  
City Clerk

RULES OF PROCEDURE  
CITY COUNCIL  
CITY OF FALLS CHURCH, VIRGINIA

A. Meetings of the City Council

- (1) Regular meetings of the Council shall be held in the Council chamber at 7:30 p.m., on the second and fourth Mondays of each month, except:
  - (a) when a meeting falls on a legal holiday that the City observes, the meeting shall be held on the following day;
  - (b) only one meeting shall be held in the months of December and August, unless otherwise agreed to by two-thirds of the Council Members.
- (2) A special meeting of the Council may be called by written request of the Mayor, the City Manager, or any two (2) Members of Council. The written request for the special meeting shall state the subject matter to be addressed at the special meeting.
  - (a) Written notice of a special meeting shall be delivered to the residence of each Council Member or to the Member's known whereabouts, and to the offices of the City Manager, the City Attorney and the Clerk. All Members shall be given notice of the meeting as soon as practicable after the written request for such meeting is received by the Clerk.
  - (b) The special meeting shall be publicly noticed in accordance with law, and shall state the items of business to be considered, and the place, date, and hour of the meeting. The Clerk shall make reasonable efforts to notify affected parties, boards, and commissions, as appropriate.
- (3) Work sessions of the Council shall be held on the first and third Mondays of each month or such other day as Council Members shall designate. In the absence of items to be discussed by Council, a work session may be cancelled.
- (4) Meetings of the City Council may be held at another location designated by the Council, provided that lawful public notice of the alternative location is given. Such alternative meeting location shall be accessible pursuant to the Americans With Disabilities Act.
- (5) No additional scheduled agenda items, except minutes and a vote regarding whether to recess, shall be considered after 10:30 p.m. unless there is an affirmative vote by a majority present to continue beyond 10:30 p.m. In the absence of a decision to continue beyond 10:30 p.m., the meeting shall be recessed until the following day at 7:30 p.m. A meeting thus recessed may be

moved to another publicly accessible location if the Council Chamber is not available.

- (6) Agendas for regular and special meetings, copies of resolutions or ordinances to be considered, and documents pertaining thereto shall be made available to each Council Member not less than five working days prior to the time of the first work session where the resolution or ordinance is introduced for the first time. Items not on the agenda for regular and special meetings may be considered but may not be voted upon at that meeting without the consent of two-thirds of the Council Members present.

B. Public Meetings; exceptions

- (1) All meetings and work sessions of the Council shall be conducted in accordance with the Virginia Freedom of Information Act, Section 2.2. - 3700 et. seq. of the Code of Virginia.
- (2) Exception--A meeting may be closed to the public only in accordance with the provisions of the Virginia Freedom of Information Act.

C. Minutes of Meetings

- (1) Minutes of regular and special meetings shall be recorded by the Clerk and kept in accordance with the law of the Commonwealth. The Clerk shall record verbatim the motions and amendments made by Council Members. In all other portions of the minutes, the Clerk shall provide a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken in accordance with VA Code §2.2-3701 I. The Clerk shall cause to be made an audio and/or video recording of the meeting, which shall be preserved.
- (2) Minutes of work sessions and committees of Council shall be sufficient that list the names of Council Members in attendance and the subjects discussed. Such minutes shall be promptly filed with the Clerk by the presiding officer of the work session.
- (3) Any Member, or the City Attorney, or City Manager may request that all or any portion of a Council Work Session be tape recorded where the item is expected to become legislation for the purpose of recording the legislative intent of the Council during work sessions. Such a request shall be made to the City Clerk by noon on the day of the meeting. A Council Member, or the City Attorney, or the City Manager may request the Clerk to transcribe a specific portion of the audio or video recording but only for the purpose of clarifying the intent of the Council where a disagreement occurs. Such recordings shall be retained by the City Clerk for a period of three years.

D. Quorum

- (1) Four (4) Members shall constitute a quorum of the Council to conduct business at a regular or special meeting; except, whenever there may be three or more vacancies on the Council, the whole number of incumbent Members less one shall constitute a quorum. Three (3) Members shall constitute a quorum for a work session.
- (2) No business may be conducted by the Council without the presence of a quorum.

E. Rules of Order

Council meetings shall be governed by the laws of the Commonwealth of Virginia applicable to meetings of public bodies and by Robert's Rules of Order, Newly Revised (10<sup>th</sup> Ed.). Robert's Rules of Order may be suspended only by a motion duly made and seconded and adopted by a two-thirds vote of the Council Members present. Such motion to suspend Robert's Rules of Order shall have priority over all other motions. No such suspension shall be effective beyond the time of adjournment of the meeting at which the suspension was adopted.

F. Order of Business

The order of business on the regular or special meeting agenda shall be:

- (1) Call to order
- (2) Pledge of Allegiance
- (3) Roll call
- (4) Validation of notice of special meeting
- (5) Adoption of meeting agenda
- (6) Proclamations
- (7) Oath of office to new board & commission members
- (8) Receipt of public comments, requests, and consent item comments:
  - (a) A Member of the public may address the Council for one three-minute period. The Clerk or the presiding officer shall enforce the three-minute period. The Mayor, in his or her discretion, may shorten the time

allotted each speaker as necessary based on the length of the agenda and the number of speakers.

- (b) When delivering reports to Council, chairs or representatives of boards, commissions, or committees shall make reports of activities of boards or commissions in writing submitted to the Clerk ninety-six (96) hours prior to the meeting. A chair or representative of a board, commission, or committee may make a 5-minute oral summary of the written report.
- (c) The Clerk shall briefly summarize written communications from Members of the public.

(9) Report of City Manager to Council

(10) Business on the Agenda:

- (a) Second readings of ordinances and other items requiring public hearings;
- (b) Resolutions and first readings of ordinances;
- (c) Consent items;
- (d) Items removed from consent;
- (e) Appointments;
- (f) Other business;

(11) Business not on the agenda;

(12) Council Member comments and requests. Council members are afforded one, two minute period per meeting to raise general comments or inform the Council of relevant Council activity. Requests directed to staff for information and other questions seeking clarity on issues presented to Council for action or comment shall be limited to three, one minute interventions. The total amount of time allotted to each Council member for general comments, information items, requests to staff, and other questions seeking clarity shall be limited to 5 minutes.

(13) Approval of minutes of previous meetings;

(14) Adjournment.

G. Voting

Pursuant to Section 4.07 of the City Charter, "Voting," all votes by the

City Council, except for votes on procedural motions, shall be by roll call vote recorded by the Clerk.

#### H. Matters Relating to the Agenda for Regular and Special Meetings

- (1) Items of business may be placed on the agenda only by a Member of the Council or the City Manager. The name of the person sponsoring the agenda item shall be noted on each agenda item.
- (2) Subject to the provisions of Section 4.10 of the City Charter and unless otherwise agreed by Council, prior to initial consideration at a Council meeting, ordinances and resolutions should be considered by Council in one or more work sessions.
- (3) Titles of ordinances and resolutions shall include a plain-language statement of the content or purpose of the ordinance or resolution. References to real property within the City shall include, in addition to any other description, the street and address number or the closest cross streets.

#### I. Public Hearings

- (1) The Mayor or presiding officer of a regular or special Council meeting may, in the interest of time and in his or her sole discretion, limit the length of time a person may speak, and may request that groups wishing to comment designate a single spokesperson. In all instances, a reasonable amount of time shall be accorded for public comment at a public hearing which will be determined by the number of speakers present and the number of agenda items. The time limit will be announced at the start of the public comment period to ensure that all speakers are duly informed. A person shall be allowed to address the Council only one time during a public hearing.
- (2) A person seeking to address the Council shall identify him or herself by name and shall state his or her residence or business address.

#### J. Availability of Records in the Library

- (1) Agendas for regular and special meetings, copies of resolutions or ordinances to be considered, and documents pertaining thereto shall be made available to each Council Member and the public not less than five work days prior to the time of the first work session where the resolution or ordinance is introduced for the first time and shall be made available to the public in the Mary Riley Styles Library. Regarding all other meetings, the Agenda of a Council meeting and its accompanying documents shall be made available to the public in the Mary Riley Styles Library not less than three work days prior to the Council meeting for which the agenda is prepared. Minutes of Council meetings, copies of reports of departments, and other materials relevant to actions of the Council shall be placed

in the Library in a timely manner following their preparation. Materials so placed in the Library shall remain available for reading and inspection by the public for a minimum period of ninety (90) days.

- (2) Materials considered in closed session or designated exempt under the Virginia Freedom of Information Act shall not be released to the public without the express approval of the Council by affirmative vote of a majority of the entire membership of Council.

### **Addendum to Rules of Procedure**

#### **Securing Information**

1. Council will have access to staff members when necessary and appropriate to clarify issues or gain information and should notify the City Manager as appropriate. All requests that require staff written response will go through the City Manager as a matter of expediency and courtesy.
2. Council's request to staff or the City Manager for information will be noted by the City Clerk who will report on the resolution of information requests at Council meetings and work sessions.
3. The Mayor's weekly meeting to determine the Council agenda should be opened to other Council members, with the understanding that the assembly of three or more Council members constitutes a formal meeting. Interested Council members will make their desire to attend known to the Mayor, Vice Mayor, and City Clerk, and their presence, to the extent possible, will be accommodated. The City Clerk will publish the minutes within 24 hours of the meeting.
4. All council members will be treated equally and have equal access to information.
5. The Mayor's role will be confined to the terms of the Charter.
6. Representational and ceremonial duties to the extent permitted by the City Charter, as well as taking the lead in communicating with the public and news media, should be the task of the Council member who has subject area responsibility.

#### **Presentation of Information**

1. Staff and Council presentations will be concise; PowerPoint presentations will be discouraged.
2. Council shall have the discretion to receive information electronically and will so indicate to staff prior to the preparation of Council packages.

Board of Supervisors:  
Joseph B. Walton, Chair  
Carson L. Tucker, Vice-Chair  
Robert R. Cosby  
C. Scott Daniel  
Jason Moore

County Administrator  
Carolyn L. Bishop

THE COUNTY OF  
**POWHATAN**  
VIRGINIA

3834 Old Buckingham Road, Suite A  
Powhatan, Virginia 23139

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## **RULES OF ORDER FOR THE POWHATAN COUNTY BOARD OF SUPERVISORS**

The following Rules of Order are adopted to ensure the efficient organization and management of all meetings of the Powhatan County Board of Supervisors, and to establish a clear understanding of the processes and procedures to be observed in conducting the County's business.

### **Presiding Officer and Parliamentary Procedures**

The Board's parliamentary procedures shall conform with law and the historical practices of the Board of Supervisors. The county attorney shall act as parliamentarian to the Board. To the extent necessary to address any ambiguities in procedure, the County Attorney shall consider the most recent edition of Robert's Rules of Order, a Manual of General Parliamentary Law for guidance. Any questions involving the application of rules of procedure or the interpretation of Robert's Rules shall be decided by the county attorney.

The chairman or the vice chairman, or in their absence the most senior member of the Board alphabetically, shall preside at all meetings of the Board, and on the appearance of a quorum shall call the meeting to order, and the Board shall then proceed with its business.

The presiding officer shall preserve order and decorum. He may speak, make motions and vote on all questions, and he shall decide questions of order and procedure. The chairman may set reasonable time limits for speakers and public hearings; provided that by majority vote the Board may reject such time limits.

If both the Chair and Vice-Chair are not present at a meeting, then the senior member of the Board shall act as Chair, until such time as the Chair or Vice Chair arrives at the meeting. The senior member of the Board present shall be defined as the member present with the longest tenure of office. If two or more members have equal tenure, then alphabetical order of last names shall be used to determine seniority. The person with the first last name alphabetically will act as Chair.

If a majority of the Board fails to attend within half an hour after the time appointed for any meeting, the Clerk shall enter into the minute book the names of the members present and note the adjournment for lack of a quorum.

The County Administrator or a designee of the Board shall be the Clerk.

### **Organization and Establishment of Meetings**

Each year at the organizational meeting in January, the Chairman and Vice Chairman shall be elected and shall serve a one-year term with re-election permitted. The Chairman shall be responsible for conducting the meetings. The Vice Chairman shall preside in the absence of the Chairman.

The Board shall set the regular meeting times and dates for the following year provided, however, that the Board shall meet at least once each month. Whenever the regularly scheduled meeting date shall fall on a legal holiday, the regular meeting of the Board shall be held on the following day in accordance with §15.2-1416 of the Code of Virginia, 1950, as amended. At its annual meeting the governing body may fix the day or days to which a regular meeting shall be continued if the chairman finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

A Resolution establishing meeting dates, times and locations shall be adopted by resolution at the Board's January meeting and must be amended as changes are made.

### **Special Meetings**

Special meetings of the Board or Board work sessions may be called by the Board sitting as a quorum, by request of two or more Board members or by the Chairman in consultation with the County Administrator. The time, date and location of a meeting so called shall be chosen based on two considerations 1) the availability of a majority of the Board and 2) the necessity of addressing the issues or issues in a timely manner. All parties having requested or required to receive notification of meetings pursuant to the Virginia Freedom of Information Act shall be notified of any special meeting.

Special meetings of the Board may be called by two members of the Board or the chairman in accordance with §15.2-1417 and 15.2-1418 of the Code of Virginia, 1950, as amended. Upon receipt of such call or request, the clerk of the governing body, after consultation with the chairman, shall immediately notify each member of the governing body and the county attorney as appropriate in writing delivered in person or to his place of residence or business to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting, unless all members are present. The notice may be waived if all members of the governing body attend the special meeting or sign a waiver.

### **Closed Meetings**

Any supervisor may request a Closed Meeting for any of the permitted areas set forth in the Code of Virginia.

### **Quorum**

Three members of the Board shall constitute a quorum for the transaction of business. No more than two members shall meet to discuss County business except at regular or properly called meeting of the Board for which proper notice has been given; provided however that the attendance of more than two Board members at a meeting of another public body on which they serve shall not constitute a meeting of the Board of Supervisors.

## **Voting**

A majority of the members present and voting shall be sufficient to carry any question except tax issues, incurring of debt and appropriations in excess of \$500, all of which shall require a recorded affirmative vote of a majority of all members elected to the governing body for adoption.

No Board member is required to vote on any question, but an abstention, although not a vote in favor of carrying a question, shall be counted as a vote for the purpose of determining a quorum. All questions submitted to the Board shall be determined by oral vote of the majority of the members voting on any such questions. After a tie vote on a motion, the matter shall be deferred without motion to the next scheduled monthly meeting of the Board for further consideration.

## **Debate**

Each Board member may participate in discussion of any issue only after being recognized by the chairman. The chairman shall not recognize a motion to call the question until every member desiring to speak has had a chance to speak. Upon being recognized, a member shall not be interrupted during the time allowed. At the conclusion of debate, the question shall be called, and no further debate shall be in order.

## **Motions**

Motions need not be seconded. When a motion is under debate, no additional motions may be made except a motion to withdraw, defer, substitute or to amend. All motions to defer shall be to a date certain. Prior to voting on a motion to defer or remand, the Board shall hear public comments on the issue if the scheduled item requires a public hearing.

## **Agenda**

The county administrator shall prepare an agenda for each workshop, regular or special meeting of the Board on which shall appear the title of each matter on which action is to be taken at that meeting. The agenda for each regular meeting shall (a) be prepared at least five days prior to the regular workshop, (b) be promptly mailed or delivered to each member of the Board or placed in the repository assigned to such Board member, and (c) be distributed to appropriate officers and employees of the county government and members of the public and media requesting copies.

Members shall provide the County Administrator, via written notice, of any items they wish placed on the Agenda for any Board meeting, closed session or workshop. The Member wishing to have an item added to the Agenda shall provide the County Administrator with notice of their desire to place the item on the Agenda no later than 12:00 p.m. the Friday before the regular Board meeting and no later than 48 hours before any other meeting.

Upon a majority vote of the Board of Supervisors, any item may be added when the agenda is voted on, and the chairman may allow any agenda item to be called out of sequence. Any matter not on the scheduled agenda may be heard after the agenda has been approved by the Board only upon the unanimous vote of the Board members present. Any such matter must be of an emergency nature, vital to the continued proper and lawful operation of the county.

No matter on the scheduled agenda shall be considered after 11 p.m. without the unanimous consent of the Board. Any matter not heard shall be automatically continued to the next appropriate scheduled meeting of the Board.

### **Order of Business for the regular meeting of the Board**

The order of business at a regular meeting of the Board shall be as follows:

NOTE: for Consideration

- (a) Invocation
- (b) Pledge of Allegiance.
- (c) Approval of the Agenda
- (d) Approval of Consent agenda
- (e) Minutes of the previous meeting, special meeting or minutes from any other meetings not yet approved. Reading of the minutes shall be automatically dispensed with. Changes can be made at the Board meeting prior to final approval
- (f) VDOT Issues (when applicable)
- (g) Certificates of Appreciation, Proclamations and Other Special Resolutions of Recognition
- (h) Appointments to Boards, Commissions, Councils, etc.
- (i) Other Resolutions requiring Board of Supervisor's Action
- (j) Public Comment Period on unscheduled matters
- (k) Board of Supervisors Comments
- (l) County Administrator Comments (when applicable)
- (m) Public Hearings as necessary
- (n) Board of Supervisor's Action Items
- (o) County Administrator's Items
- (p) Other Reports as necessary
- (q) Closed Meetings as necessary
- (r) Adjournment

### **Consent Agenda**

The Board of Supervisors may act on items about which there is no dispute and no need for a public hearing. These items can be consolidated together into a Consent Agenda for a vote from the Board. The agreement about the contents of the Consent Agenda must be unanimous; however, items can be removed from the Consent Agenda prior to the motion to approve. Items removed from the Consent Agenda may be then acted upon separately.

### **Public Comment Period and Public Hearings**

Individuals interested in addressing the Board or staff shall only do so at the lectern in order for their comments to be recorded as part of the record of the meeting, and shall only address the Board, not the audience or the applicants. Speakers should state opinions or concerns, but not ask questions of the Board or staff that could be better answered outside the meeting. Comments must be germane to the services or policies of the county. Citizens may not yield time to other speakers.

Comments of each individual shall be limited to 3 minutes, and the Chairman may grant an additional minute of time for an individual's comments. If the Chairman grants additional time to any one individual, then all other individuals seeking such time at that meeting shall be granted an additional minute if requested. Individuals representing a group or neighborhood shall be limited to 5 minutes, and the Chair may grant two additional minutes of time to a group or neighborhood. If additional time is granted to any group or neighborhood, then all other groups or neighborhoods shall be provided additional time if requested.

Persons speaking before the Board will not be allowed to:

- a. Campaign for public office;
- b. Promote private business ventures;
- c. Use profanity or vulgar language; or
- d. Address pending litigation or matters to be addressed at that meeting.

For the Public Comment Period, no citizen shall speak on any matter of business that is a subject on the Board's agenda for that day. Speakers may address the Board only once during the public comment period on a given issue.

Speakers may address the Board only once during each public hearing on a given issue.

Supervisors will address the public after the hearing has been closed and/or during the Board of Supervisor's Comment Period.

### **Minutes of Meeting**

The clerk of the Board shall prepare and maintain adequate minutes of the proceedings of the Board in accordance with the requirements of the Code of Virginia, 1950, as amended. Each recorded vote shall indicate how each member of the Board voted. Preparation of minutes will not include every aspect of the Board's meetings relating specifically to discussion and debate, but will include all significant events relating to official action. Minutes shall be included as part of the agenda package for the subsequent meeting of the Board.

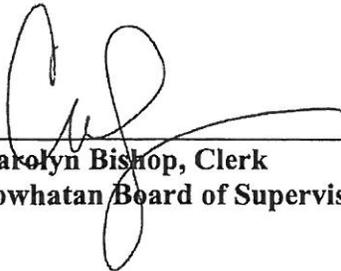
The Board may correct its minutes after approval of the minutes only upon a clear showing that a clerical or administrative mistake was made.

### **Amendment of Rules**

The Rules of Order may be amended at any time during the year by a 4 out of 5 vote of the full Board. An amendment to the Rules of Order must be requested at least one month in advance.

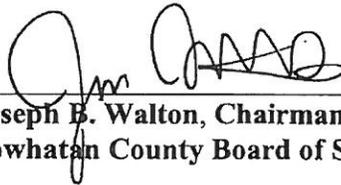
The Board of Supervisors may suspend the application of any section of these rules by a unanimous affirmative vote of all Board members present at any time during the agenda. A deputy sheriff shall serve as sergeant at arms.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON  
JANUARY 10, 2011.**



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**Carolyn Bishop, Clerk  
Powhatan Board of Supervisors**



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**Joseph B. Walton, Chairman  
Powhatan County Board of Supervisors**