

Town of Lovettsville

Last Amended September 8, 2012

RULES AND PROCEDURES FOR MEETINGS OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF LOVETTSVILLE, VIRGINIA

I. AUTHORITY

These rules are adopted pursuant to the authority provided in the Town Charter.

II. MEETINGS

A. Regular Meetings – Regular Work Sessions

The Mayor and Town Council shall normally meet in regular meetings on the second and fourth Thursday of each month, except in the months of September, November and December when the second meeting of the month moves to the third Thursday, but, in no event, less frequently than required by the Town Charter. The Mayor and Council may meet on other days where, in their judgment, an alternative day is either necessary or desirable. Notice of alternative meeting dates shall be provided in compliance with notice provisions outlined in the Town Charter. Alternative meeting dates shall be set with the consent of two thirds of the Council Members present.

B. Annual Meeting Schedule

The Mayor and Town Council shall approve and publish the annual meeting schedule at their first meeting in July of each year.

C. Special Work Sessions

The Mayor and Town Council may schedule special work sessions as required for items requiring substantial discussion. Every attempt will be made to schedule these meetings for Thursday nights when there is not a regular monthly meeting.

D. Special Meetings

The Mayor and Town Council may meet in special meetings upon written request of either the Mayor or two members of the Town Council. Notice of special meetings shall be given to the Mayor and each Town Council Member at least seventy-two (72) hours in advance of such special meeting and shall contain the purpose, date, time and place of such meeting.

E. Emergency Meetings Notice

The Mayor and Town Council may meet in emergency meetings upon the request of either the Mayor or two members of the Town Council for matters constituting a severe and imminent danger to the health, safety or welfare of the public. As much notice as is practicable shall be given to the Mayor and each Town Council Member in advance of the meeting and shall contain the purpose, date, time and place of such meeting.

F. Closed Sessions

The Mayor and Town Council may meet in Closed Session (closed to the public) under the circumstances, conditions and reasons set forth in the Code of Virginia. If practicable, the Mayor and Town Council will relocate to a private meeting space for the Closed Session and return to the Council Chamber to reconvene the regular meeting. If the Council Chamber must be used for the Closed Session, the public will be notified when the Closed Session has concluded so they may return to the Chamber for the continuation of the regular meeting.

G. Information Meetings

The Mayor and Town Council may hold Informational Meetings to present information to the residents of Lovettsville and obtain feedback from residents of the Town. The Mayor and Town Council will determine the rules governing presentations made at such meetings.

H. Place of Meeting

All meetings of the Mayor and Town Council, unless otherwise determined, shall be held in the Lovettsville Town Hall located at 6 East Pennsylvania Avenue, Lovettsville,

Virginia. Notice of change in meeting place shall be prominently posted on the door of the regularly scheduled meeting place and shall be given by such other means, including a local newspaper, Town website or other available media, as may be feasible. Every attempt will be made to keep the meeting location within the Corporate Limits of the Town.

I. Meeting Time

Meetings of the Mayor and Town Council shall begin at 7:30 PM unless a different starting time is established by the Mayor and Town Council and reasonable notice thereof provided to residents of the Town.

J. Public Notice of Meeting

Proper notice of all meetings of the Mayor and Town Council shall be provided to the public by the Town Manager.

K. Quorum

1. Definition

A majority of the council shall constitute a quorum for the transaction of business. Each member of the council shall have one vote. To conduct official business, a quorum must be present at all times. To be "present" is defined as being within the location in which the meeting is being held as defined from time to time by the Mayor and Town Council.

2. Change in Quorum Status

Once a meeting has been properly convened with the presence of a quorum and the number of persons necessary to constitute a quorum is no longer present, the Presiding Officer or a Council Member should bring this fact to the attention of the body. The meeting shall then be automatically temporarily recessed until a quorum is reestablished. Upon reestablishment of the quorum, the Mayor and Town Council shall resume consideration of the matter before them at the time of the recess. If, in the opinion of the Presiding Officer, a quorum cannot be obtained within a reasonable

period of time, the Presiding Officer shall declare the meeting adjourned until the next scheduled meeting; at that next meeting, after taking up the usual preliminary matters, the Mayor and Town Council shall resume their consideration of the matter that was before them when they previously adjourned. This shall not prevent any Town Council Member from moving to table, defer, postpone, or make any other appropriate motion with respect to any pending matter.

3. Reconvene as Work Session

In the event that a regularly scheduled meeting is adjourned due to a lack of a quorum, the Mayor and Town Council may immediately convene into a work session to discuss Town matters. No action will be taken.

L. Meeting Agendas

1. Agenda Schedule

The Town Manager, in consultation with the Mayor shall prepare the agenda for all meetings of the Mayor and Town Council. The agenda shall outline the established order of business. The Mayor and Town Council during the scheduled meeting can reorder items on the agenda. Agenda items shall be submitted no later than 12:00 Noon, seven (7) days preceding the meeting at which the matter is to be presented. Agenda items submitted after the established deadlines may be considered by consent of a simple majority of the Town Council present at the meeting.

2. Posting of Agenda

The agenda shall be posted at places where Town notices are customarily posted and shall be communicated to residents of the Town through available media.

3. Consent Agenda

A Consent Agenda may be established for regular meetings, which consists of items determined by a unanimous vote of the Town Council to require action but which do not require discussion.

4. Special Work Session Agendas

Special Work Session agendas shall be created with the intent that the work schedule can be reasonably accomplished within three hours.

5. Session Time Limits

The pace will be sped up after 10:00 PM to complete any unfinished business. The Town Council will not consider any new item on its agenda after 10:00 PM on the night they started the session. All discussions on any item under discussion at the time must cease without exception by 11:00 PM, and the Town Council is therefore considered adjourned. In the event that a majority of Town Council wishes to consider additional time for the item under discussion, they may do so by a straw vote. Upon failure of the straw vote to carry by a simple majority, all Town Council activities will cease at 11:00 PM.

M. Agenda for Special Meetings

The matter or matters to be considered at a Special Meeting of the Mayor and Town Council shall be stated in the call to the meeting. No other matters shall be considered unless all members of the Mayor and Council are present and agree.

N. Distribution of Meeting Materials

The agenda and related materials will be provided to members of the Mayor and Town Council by the Town Manager approximately five business days in advance of scheduled meetings. The Mayor, Town Council and Staff shall use emails and telephone calls whenever possible to reduce the need for explanation and discussion. Meeting materials will be prepared by the Town Manager and made available to members of the Town Council and the general public, except for materials which are legally privileged or confidential, no later than close of business on the Friday immediately preceding the meeting of the Mayor and Town Council, at which time such matters are to be considered. Materials shall be delivered to the Mayor and Town Council and local media pursuant to arrangements established with the recipient.

O. Conduct of Meetings

1. Presiding Officer

The Mayor shall preside at all meetings of the Town Council. The Vice-Mayor shall preside at all meetings in the absence of the Mayor. In the absence of both the Mayor and the Vice-Mayor, the Mayor, or the Vice-Mayor, if the Mayor is not available to do so, shall designate a member of the Town Council to preside in their absence.

2. Procedure

- a. **Recognition.** The Presiding Officer shall recognize Council Members before speaking. Other persons at a meeting of the Mayor and Town Council may speak only when called upon or authorized.
- b. **Comments on Agenda Items.** The Town Manager or his/her designee shall introduce or present Staff's position on all agenda items. When appropriate the Town Manager shall make a recommendation to the Town Council. The member of the Town Council who introduces an agenda item for action by the Mayor and Town Council may provide comments relating thereto. Comments by a member of Town Council who introduces an agenda item shall be limited to five (5) minutes. The time it takes the Council Member to actually state the motion shall not be included in the five minutes. Following introduction and seconding of an agenda item, each member of the Town Council may provide comments on the item. Each comment shall be limited to three (3) minutes. Each agenda item will only be discussed for thirty (30) minutes. After thirty (30) minutes of discussion the Presiding Officer or his/her designee will call for a vote on the item or a motion to table the item until a future Council meeting.

3. Motions/Resolutions in Writing

All motions pertaining to ordinances, Council policies or other substantive proposals shall, where possible, be made in writing. If resolutions are to be adopted, the Town Attorney or appropriate authority, prior to adoption, shall prepare those resolutions for the Town Council.

4. Reconsideration

A motion to reconsider a vote on any action may be made no later than the next regular meeting following the meeting at which the action to be reconsidered was taken. A motion to reconsider may be made only by a Council Member who voted on the prevailing side of the action to be reconsidered or by a member who was absent when a vote was taken, although any member of the Town Council may support the motion to reconsider. A motion to reconsider may be approved by a simple majority of those Council Members present and voting. The same number of votes shall be required to approve the action upon reconsideration as was required to pass or adopt the original action.

5. Voting by Town Council Members

When a question is called by the Presiding Officer, every member of the Town Council present shall vote either "Yes", "No" or "Abstain" on a particular motion. Each member of the Town Council may make a brief statement explaining the reasons for the member's vote of abstention. The Mayor shall cast a vote in the event of a tie.

6. Public Participation

Members of the public may speak at Public Hearing and at the beginning of Regular and some Special Meetings of the Mayor and Town Council as well as provide written comment to the Body in accordance with the procedures established by the Mayor and Town Council.

- a. Sign-up Procedure. Cards or a sign-up sheet shall be placed in an accessible location in the meeting room for people to sign if they wish to speak. This will assure that the minutes reflect the proper spelling of names and correct addresses.
- b. Rules for Public Participation. Before receiving any public comment during a Public Hearing or Regular/Special Meeting the Presiding Officer or his/her designee will read aloud the procedures established by the Body to receive such comments.
- c. Public Comment. Comments from the public are limited to three (3) minutes at the beginning of the Council meeting. A speaker representing

a group or organization will be allowed up to five (5) minutes to present the position of the organization. Any member of the public speaking for an organization must submit a letter from the Board of that organization authorizing them to speak for the organization on that issue. Questions by the Mayor or Town Council Members will not be counted against the speaker's time.

- d. Public Hearings. Comments from the public are limited to three (3) minutes. A speaker representing a group or organization will be allowed up to five (5) minutes to present the position of the organization. Any member of the public speaking for an organization must submit a letter from the Board of that organization authorizing them to speak for the organization on that issue. Questions by the Mayor or Town Council Members will not be counted against the speaker's time. The speaker shall limit his or her comments to only those pertaining to the item that is the subject of the public hearing.
- e. Speakers' Comments. Notwithstanding any of the above, all speakers shall refrain from using vulgarities, profanities, or obscenities. Speakers shall address the Mayor and Town Council as a whole and not address their remarks toward any specific member of Town Council or Staff.
- f. Written Comments. Written comments must be received by the Town Manager or Town Clerk by 3:00 PM the day before the meeting to be distributed to the members of the body at the meeting. Items received before the packet deadline (generally, 9:00 AM the Friday before the week of the meeting) will be included in the packet. Written communications must contain the writer's name and physical address. Any member of the public submitting comments on behalf of an organization must also submit a letter from the Board of that organization authorizing them to submitting written comments for the organization on that issue. Written comments meeting the above criteria and all other criteria established by the Body will be distributed to the members by the Town Clerk. Minutes of the meeting will not include the submitted text, but will include a section at the end of the minutes listing the name and address of anyone submitting

written comments distributed at the meeting or in the meeting packet. Those comments will be kept on file at the Town Hall and will be made available to the public under normal Freedom of Information Act (FOIA) procedures.

7. Town Manager's Report

Along with a written report that is to be provided to the Mayor and Town Council monthly, the Mayor shall provide an opportunity at each meeting for the Town Manager to provide an oral report concerning items of Town business to the Mayor and Town Council. Mayor and Town Council comments or questions to the Town Manager shall be limited to matters raised in the Town Manager's oral or written report or those which require immediate action by Town Council. All other questions or comments for response by the Town Manager shall be deferred to the end of the meeting.

8. Planning Commission Report

A summary of applications pending before the Planning Commission shall be presented to the Council by the Chairperson of the Planning Commission or his/her designee once a month or as needed.

9. Mayor and Town Council Disclosures

At the start of every Town Council meeting the Mayor and Town Council are invited to share any personal meetings or activities they feel may be of interest to fellow Council members or citizens, especially those events that may relate to items on the agenda.

10. Mayor and Town Council Comments

During the time established for Mayor and Town Council comments, Council Members may offer comments provided they are limited to five (5) minutes. The Mayor may offer comments provided they are limited to ten (10) minutes.

11. Formal Presentations

Formal presentations shall be limited to a thirty (30) minute presentation. The Mayor and Town Manager shall confer on multiple presentation requests.

12. Questions

When considering items where many questions are anticipated, a “round” approach shall be used in which each Council Member, the Mayor, and appropriate Staff shall be limited to one question per “round”.

P. Disorderly Conduct

The Presiding Officer shall call to order any person who disrupts the orderly conduct of business at meetings including speaking without being recognized, exceeding designated time limits, failure to be germane to the issue being presented or use of vulgarities. If the disorderly conduct continues, the offending individual will be asked to leave the meeting. Law enforcement will be called upon if necessary.

Q. Record of Meetings

1. Responsibility for Meeting Record

The Town Clerk shall be responsible for the recording of each Regular Meeting. Tapes shall be identified with proper labels identifying the meeting date and topics discussed. Minutes of each Regular Meeting of the Mayor and Town Council shall be prepared, watermarked ‘DRAFT’, and distributed to the Mayor and Town Council in the meeting packet for the following month’s scheduled meeting for adoption at that meeting.

Minutes shall include:

- a. all motions made, the name of the member offering the motion and the member seconding the motion, the method and outcome of the votes taken; and,
- b. copies of resolutions, new or revised ordinances or other actions approved by the Mayor and Town Council.

2. Public Access to Meeting Records

The Town Clerk is responsible for insuring that all records, including minutes, are in compliance with the Freedom of Information Act. The Town Clerk in accordance with the Freedom of Information Act shall add approved minutes and all pertinent documents to the Minute Book, upon approval by the Town Council, and make approved minutes

and all pertinent documents and records of meetings of the Mayor and Town Council available to the public.

R. Ordinances and Policies

1. Enactment

Ordinances may be enacted pursuant to the provisions set forth in the Code of Virginia.

2. Public Hearing Notice

A Public Hearing shall be held on proposed ordinances following publication of the ordinance or a fair summary thereof in a local newspaper of general circulation as set forth in the Code of Virginia. Emergency ordinances shall also be considered pursuant to the Code of Virginia.

3. Majority Vote

The affirmative vote of a simple majority of the members of the Town Council present and voting shall be required for the enactment of ordinances, except as otherwise required by law.

4. Adoption

The Town Council shall not adopt an ordinance or ordinance change at the same meeting at which the ordinance is introduced unless it is declared an emergency ordinance. Ordinances shall become effective immediately following Town Council approval unless the Town Council declares otherwise.

S. Parliamentary Authority

Robert's Rules of Order, as newly revised, shall govern all questions of procedure not otherwise provided for in these rules or by State or Federal Law. The Vice Mayor shall be the Parliamentarian. If the Vice Mayor is absent, the Mayor shall designate the Parliamentarian.

T. Rescission and Suspension of Rules

A motion to rescind or amend something previously adopted, or a motion to suspend these rules, may be brought pursuant to the appropriate section of Robert's Rules of Order. The Vice Mayor shall be responsible for administering Robert's Rules of Order for rescission and suspension of rules, as well as for any other rule and/or procedure called into question at a Regular Meeting of the Town Council. In the absence of the Vice Mayor, the Parliamentarian shall be designated by the Mayor.

III. Council Appointments and Conduct

A. Appointment of Town Council Members

Within 10 days of learning of a vacancy or of the occurrence of a vacancy, whichever is later, the Town will advertise the opening. Advertising will consist of an ad in a local newspaper to run two consecutive weeks, public posting at Town Hall, and other outlets such as the Town website and weekly e-mail updates. The Town shall receive applications for no less than fifteen days. Fifteen days after the first newspaper advertisement or once the town receives one application, whichever comes last, the Town Manager shall work with the Mayor and Town Council to schedule interviews with the applicants. The Mayor and Town Council shall conduct a private interview with each applicant to determine the suitability of the candidate for the temporary council position. Once all interviews have been conducted, the Town Council may make an appointment at their next Council meeting.

Any member of the Town Council who is contemplating resignation is encouraged to coordinate the effective date of resignation so as to permit compliance with law as to any temporary appointment by the remaining Council members and applicable special election requirements.

B. Conduct of Council Members

1. Conduct Unbecoming

If the Mayor or any member of the Town Council engages in any language or conduct unbecoming to the office, the member shall be called to order by the Presiding Officer or

a Council Member, and in such case, the offending member shall lose the floor and shall not proceed without the approval of the majority of members present. The Mayor and Town Council may, by vote of all members of the Council present, expel the Mayor or any member of the Town Council from a meeting for disorderly conduct or violation of the Rules and Procedures.

2. Conflict of Interest

Council members are subject to the requirements of the State and Local Government Conflict of Interests Act, *Va. Code* section 2.2-3100 *et seq.* and are required to familiarize themselves with its provisions prior to assuming office.

3. Representation

When the Mayor or a Town Council Member appears before any other governmental agency, organization, or media to give a statement on an issue affecting the Town, the Mayor or Town Council Member shall first identify the adopted position of the Body with respect to that subject, if any. Thereafter, the Mayor or Town Council Member may provide a statement of personal opinion or comment (including a minority or opposing viewpoint) provided the Town Council Member expressly acknowledges that such statements do not represent the position of the Town.

IV. Biennial Review of Rules

The Rules and Procedures of the Mayor and Town Council shall be scheduled by the Town Manager for review by the Mayor and Town Council at least biennially. Changes in procedures may be made by majority vote of the Town Council at the meeting after the change in rules or procedures is proposed. The Rules and Procedures shall be re-adopted after every regular Town Council election.

Adopted: April 15, 2005
Amended: May 24, 2007
Amended: February 24, 2011
Amended: April 28, 2011
Amended: September 8, 2012