

ARTICLE II TOWN COUNCIL

DIVISION 2. RULES AND PROCEDURES

Subdivision I. General

Sec. 2-40. - Biennial Review.

The provisions of this section 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 this division is proposed.

The Council may amend these rules of procedure to cover any situations that are not adequately addressed.

When Council's rules of procedure do not address a procedural issue, Council shall consult the most recent edition of *Robert's Rules of Order* for guidance. The failure of Town Council to strictly comply with the rules of procedure shall not invalidate any action of Town Council.

(Rules of 4-15-2005, § IV)

Sec. 2-42. - Regular Meetings; Regular Work Sessions.

The Mayor and Town Council will normally meet at a regular Council meeting on the second and fourth Thursday of each month with a work session as needed. 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 by the Mayor or three members of the Council.

The Council shall sit as a "committee of the whole" in a Council work session, with the Chair presiding. The committee of the whole may consider such business as may come before it, for study purposes only. The Council Members may review upcoming agenda items, hear staff reports and public comment and take other non-legislative action as it deems necessary. Complex or controversial items that have been placed on the Council's agenda for public hearing will be normally scheduled for Council discussion at the next work session after the public hearing. No formal action shall be taken at the committee of the whole for work session. Notification shall be in compliance with the Code of Virginia.

(Rules of 4-15-2005, § II(A))

Sec. 2-43. - Annual Meeting Schedule.

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

(Rules of 4-15-2005, § II(B))

Sec. 2-44. - Special Work Sessions.

The Mayor and Town Council may schedule special work sessions as required for items requiring substantial discussion upon the written request of either the Mayor or three Council Members. Every attempt will be made to schedule these meetings for Thursday nights when there is not a regular monthly meeting. Notice of special work sessions shall be given to the Mayor and each 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.

(Rules of 4-15-2005, § II(C))

Sec. 2-45. - Special Meetings.

The Mayor and Town Council may meet in special meetings upon written request to the Town Manager from either the Mayor or three members of the Town Council. Upon receipt of all necessary requests and

concurrences, notice shall be provided to the Town Council promptly. Notice of special meetings shall be given to the Mayor and each Town Council Member at least 72 hours in advance of such special meeting and shall contain the purpose, date, time and place of such meeting.

(Rules of 4-15-2005, § II(D))

Sec. 2-46. - Emergency meetings notice.

The Mayor and Town Council may meet in emergency meetings upon the request to the Town Manager from 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.

(Rules of 4-15-2005, § II(E))

Sec. 2-47. - 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. Confidential and Privileged Information Documents, information and discussions from a closed session, attorney-client privileged communication and other confidential information shall not be disclosed without the approval of the Council. In the event confidential or privileged information is released or otherwise disclosed, without the consent of the Council, then the Council shall vote to either authorize the disclosure or reaffirm the confidentiality and/or claim of privilege. In addition, the Council may, in its discretion, sanction or censure a member for improper disclosure of confidential or privileged information.

(Rules of 4-15-2005, § II(F))

Sec. 2-49. - Place of meetings.

All meetings of the Mayor and Town Council, unless otherwise determined, shall be held in the Council Chambers 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 by posting on the Town website, and Town social media. Every attempt will be made to keep the meeting location within the corporate limits of the town.

(Rules of 4-15-2005, § II(H))

Sec. 2-50. - Meeting time.

The Mayor and Town Council shall approve and establish the meeting time at their first meeting in January of each year.

(Rules of 4-15-2005, § II(I))

Sec. 2-51. - Public notice of meetings.

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

(Rules of 4-15-2005, § II(J))

State Law reference— Notice of public meetings, Code of Virginia, § 15.2-3707.

Sec. 2-52. - Quorum.

- (a) *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.
- (b) *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.
- (c) *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.

(Rules of 4-15-2005, § II(K))

Sec. 2-53. - Meeting agendas.

- (a) *Agenda schedule.* The Town Manager and/or designated staff, 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 by Town Council no later than 12:00noon, 10 calendar days preceding the meeting at which the matter is to be presented.

Agenda items submitted after the established deadlines may be considered if it is an emergency or if it is a time sensitive item, by consent of a simple majority of the Town Council present at the meeting.

- (b) *Posting of agenda.* The agenda shall be posted on the Town website, the Town bulletin board and any other locations where town notices are customarily posted
- (c) Any material distributed at the Council meeting shall be distributed to the Clerk and Town Manager.
- (d) *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. 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. The consent agenda shall include, by way of illustration but not limitation to the following:
 - 1. Approval of minutes.
 - 2. Ordinances or resolutions that are routine.

3. Ordinances or resolutions which received unanimous approval upon introduction at a previous meeting.
 4. Any item believed by the Mayor/Town Manager to be routine and not controversial in nature.
- (e) *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.
- (f) *Session time limits.* The pace will be sped up after 9:00 p.m. to complete any unfinished business. The Town Council will not initiate new items for consideration on its agenda after 9:30PM on the night they started the session. All discussions on any item under discussion at the time must cease without exception by 10:00PM 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 vote. Upon failure of the vote to carry by a simple majority, all Town Council activities will cease at 10:00PM.

(Rules of 4-15-2005, § II(L))

Sec. 2-54. - 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-

(Rules of 4-15-2005, § II(M))

Sec. 2-55. - Distribution of meeting materials.

The agenda and related materials will be provided to the Mayor and members of Town Council by the Town Manager and/or designated staff approximately five business days in advance of scheduled meetings. The Mayor, and Town Council shall communicate with staff whenever possible to reduce the need for explanation and discussion. Meeting materials will be prepared by the Town Manager and/or designated staff 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.

(Rules of 4-15-2005, § II(N))

Sec. 2-56. - Conduct of meeting.

- (a) *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.
- (b) *Procedure.*
- (1) *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.
 - (2) *Comments on agenda items.* The Town Manager or his 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 initiates an agenda item for action, by the Mayor and Town Council, may provide comments relating thereto. Comments by a Council Member who initiates an agenda item shall be limited to

five 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 and the presiding officer shall keep discussion germane to the subject. Each comment shall be limited to three minutes. Each agenda item will only be discussed for 30 minutes. After 30 minutes of discussion, the presiding officer or his designee will call for a vote on the item or a motion to table the item until a future council meeting.

- (3) *Proclamations.* Proclamations shall only be considered granted and passed by a unanimous, affirmative vote of the members of the Town Council present and voting.. The reading of the Proclamation will dispense after the vote.
- (c) *Motions/resolutions in writing.* All motions pertaining to ordinances, resolutions, Council policies or other substantive proposals shall be made in writing by the Town Manager, Town Attorney or staff, prior to adoption.
- (d) *Recording of Votes*
- (1) Each member of the Town Council who is present at a meeting shall be recorded on each vote upon all issues presented for decision. A member who wishes to abstain shall state his or her reasons for abstaining.
 - (2) 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.
- (e) *Method of Voting*
- (1) After debate, the presiding officer shall ensure that the motion is clear and call for the vote.
 - (2) All questions submitted to the Town 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.
 - (3) In order for a motion in a zoning matter to be adopted, it must be approved by a majority of those voting.
 - (4) All questions submitted to the Town Council for decision shall be decided by either an oral vote of "aye," "nay," or "abstain." Any member may request a roll call vote. In any case, the presiding officer shall announce the results of the vote. Unless otherwise precluded, in the alternative, the presiding officer may, upon request and surveyance, simply ask if there are any objections by the Town Council in lieu of an oral vote. Where no objections or abstentions are lodged, a vote may be recognized as unanimously in favor.
 - (5) The Mayor has the ability to veto any actions taken by Town Council according to the Town Charter, Section 3.3 (A. 6.)
- (f) *Public participation.* Members of the public may speak at public hearings and at the beginning of regular and 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.
- (1) *Rules for public participation.* Before receiving any public comment during a public hearing or regular/special meeting, the presiding officer or their designee will read aloud the procedures established by the body to receive such comments. The presiding officer shall recognize members of the public who wish to speak. The member of the public shall provide their name and current address.

- (2) *Public comment.* Comments from the public are limited to three minutes at the beginning of the Council meeting. A speaker representing a group or organization will be allowed up to five 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.
- (3) *Public hearings.* Comments from the public are limited to three minutes. A speaker representing a group or organization will be allowed up to five 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 comments to only those pertaining to the item that is the subject of the public hearing.
- (4) *Speakers' comments.* The speaker shall not deliver comments on anyone else's behalf. 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.
- (5) *Written comments.* Written comments must be received by the Town Manager or Town Clerk by 3:00PM the day of the meeting to be distributed to the members of the body at the meeting. 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 submit 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 include the submitted text as well as the name and address of anyone submitting written comments distributed at the meeting. Those comments will be kept on file at the Town Hall and will be made available to the public under normal Virginia Freedom of Information Act (Code of Virginia, § 2.2-3700 et seq.) procedures.
- (g) *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.
- (h) *Planning Commission report.* A summary of applications pending before the Planning Commission may be presented to the Council by the Chairperson of the Planning Commission or their designee once a month or as needed.
- (i) *Mayor and Town Council disclosures.* The Mayor and Town Council may 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.
- (j) *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 5 minutes. The Mayor may offer comments provided they are limited to 10 minutes.
- (k) *Formal presentations.* Formal presentations shall be limited to a 15-minute presentation. The Mayor and Town Manager shall confer on multiple presentation requests.

(Rules of 4-15-2005, § II(O))

Sec. 2-57. - 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 presiding

officer shall recess the meeting, and the offending individual will be asked to leave. Law enforcement will be called upon if necessary. The meeting shall reconvene when order is restored.

(Rules of 4-15-2005, § II(P))

Sec. 2-59. - Ordinances and policies.

- (a) *Enactment.* Ordinances may be enacted pursuant to the provisions set forth in the Code of Virginia. All amendments to Town Code must be implemented after a minimum of 14 days of public notice via a public hearing as Virginia Code requires or after Town Council has considered the proposed amendment after two regular meetings. The first meeting shall be comprised of a presentation and discussion of the amendment under consideration and a second presentation of the proposed amendment at a proceeding second regular meeting, for which the proposed amendment will be eligible for Town Council passage; provided, that in the event a majority of the Town Council Members present at any given meeting concur that an emergency situation exists, an amendment to this Code can be implemented at the initial regular meeting.
- (b) *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.
- (c) *Notice regarding modification of an ordinance.* Where a modification to an ordinance is proposed but does not otherwise qualify for public hearing or comment in order to consider or enact such an ordinance, the modification shall be advertised in accordance with Section 2-59(b), notwithstanding invitation for public comment or input obligations.
- (d) *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.
- (e) *Adoption.* Ordinances shall become effective immediately following Town Council approval unless the Town Council declares otherwise or the Mayor vetoes the Ordinance within eight (8) calendar days from which the Ordinance was voted affirmative.

(Rules of 4-15-2005, § II(R); Rules of 7-11-2013, § II(R)4)

State Law reference— Ordinances and other actions by governing bodies, Code of Virginia, § 15.2-1425 et seq.

Sec. 2-60. - Parliamentary authority.

Robert's Rules of Order, Newly Revised, shall govern all questions of procedure not otherwise provided for in these rules or by state or federal law. The Town Attorney shall be the parliamentarian. If the Town Attorney is absent, the Town Manager shall be the parliamentarian. The parliamentarian is an advisor of the rules of procedures to the presiding officer.

(Rules of 4-15-2005, § II(S)) ...

Secs. 2-61—2-78. - Reserved.

Subdivision II. - Town Council Appointments and Conduct

Sec. 2-79. - Appointment.

- (a) Within ten 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 the Mayor's email updates. The Town shall receive applications for no less than 15 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.
- (b) 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.

(Rules of 4-15-2005, § III(A))

Sec. 2-80. - Conduct.

- (a) *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.
- (b) *Conflict of interest.* Council Members are subject to the requirements of the State and Local Government Conflict of Interests Act (Code of Virginia, § 2.2-3100 et seq.) and are required to familiarize themselves with its provisions prior to assuming office.
- (c) *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.
- (d) All members of Council and the Mayor shall complete FOIA and COIA training within the second month that they have been sworn in and once every two years while in office.
- (e) All members of Council and the Mayor should complete an approved Virginia Land Use course within two years of their first appointment or election unless previously completed prior to being sworn in.

Sec. 2-81 Committees.

(a) Definitions

- i. At Large – individuals in this position may be appointed from all residents in Lovettsville and its surrounding areas.
- ii. Membership of Advisory Committees shall be made up of seven members including:
 1. Chair [Town Council]
 2. 3 members At Large
 3. Town Council Representative [Town Council]
 4. Planning Commission Representative [Planning Commissioner]
 5. Three Members At Large

- iii. Membership of Sub-Committees (comprised of Love America, MayFest, Love Summer, Oktoberfest, and Love Winter) will be made up of seven members unless altered by the Town Council:
 - 1. One shall be a Town Council member and one shall be a Planning Commissioner.
- iv. The Vice Chair of the Advisory Committees shall be elected by its members from its members on an annual basis. The Chair and Vice Chair of the Sub-Committees shall be elected by its members from its members on an annual basis.
- v. The Mayor may serve as a non-voting Ex-Officio member on any committee. By request to the Town Council, the Mayor may be appointed to serve as an At Large member to any committee or sub-committee.

(b) Process

- i. Appointment
 - 1. Pursuant to the Town Charter (Section 3.3.A.3), the Mayor shall appoint all members of the Advisory Committees and Sub-Committees. All appointees shall be confirmed by the Town Council at their next meeting and serve at the pleasure of the Town Council
 - 2. All terms shall expire at the end of the calendar year. Pursuant to the Town Charter (Section 3.3.A.3), any reappointments shall be renewed at the first annual meeting in January.
 - 3. The Mayor may remove any member of the Advisory Committees and Sub-Committees. Removal of members shall be confirmed by the Town Council at their next meeting. Subsequently, the Mayor shall notify the member of the Council decision.
 - 4. The Chair of the Planning Commission shall recommend to the Mayor, members of the Commission for appointment to the Advisory Committees and Sub-Committees.
 - 5. The Chairs of the Advisory Committees and Sub-Committees (once established) shall recommend to the Mayor, members for appointment to their committee.
 - 6. Citizens wishing to be appointed to an Advisory Committee and Sub-Committee shall submit an "Application for Town Service".
- ii. Advisory Committees and Sub-Committee Structure
 - 1. The Town Council may, by majority vote, alter the size and makeup of the Advisory Committees and Sub-Committees.
- iii. All Advisory Committees, Sub-Committees, and members therein shall comply to all policies, rules and procedures established by the Town Council where applicable.

(Rules of 4-15-2005, § III(B))