

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	February 5, 2018
Action Required:	Update of Council Meeting Procedures
Presenter:	Lisa Robertson, City Attorney's office
Staff Contacts:	Maurice Jones, City Manager Paige Rice, Clerk of Council Lisa Robertson, City Attorney's Office
Title:	<b>Updates to City Council Meeting Procedures</b>

**Background:** Recently at City Council's annual retreat, Councilors discussed several proposals and options for revising the Rules and Procedures for Council meetings. Councilors expressed a desire:

- to be more responsive to members of the public who speak during Matters by the Public, to increase the number of people who may speak at the first Matters by the Public session, and to start each regular meeting one-half hour earlier (at 6:30) to accommodate increased participation;
- to be less formal in describing how discussions and debate will take place, and to have a set of Rules and Procedures consistent with, but less formal than, Robert's Rules of Order;
- to clarify the role of the Mayor as the presiding officer, and allow the presiding officer to manage the meeting in a less formal manner, retaining rules and guidelines for speakers that focus on preventing and acting to address actual disruptions;
- To clarify "town hall" and "work session" as different types of regular or special meetings.

Due to the illness of the Clerk of Council, Lisa Robertson has provided this document for Council's consideration. Ms. Robertson has endeavored to adhere to the discussions that took place at the retreat, and has consulted the Clerk's notes; however, any departures from preferences stated by Councilors at the retreat is not intentional.

**Discussion:** The attached document entitled "Council Meeting Rules and Procedures" has been reorganized a bit and edited to be less formal in tone and content. Also the document now includes an expanded section describing how business will be transacted and motions handled, to provide an informal (but sufficiently detailed) set of procedures that are an alternative to Robert's Rules, but still consistent with them.

Also, Council discussed considering whether it should hold its own public hearings on zoning matters, separately from the public hearings conducted by the Planning Commission. This is allowed by law if Council wishes to do so. Often, the public hearing notices associated with zoning applications are quite expensive; one of the impacts of making this change would be to double the cost of advertised public hearings. Councilors did not reach consensus on whether or not to discontinue the joint public hearings, so this was not addressed in the procedures draft.

**Alignment with Council Vision Areas and Strategic Plan:** The revised “Council Meeting Rules and Procedures” align with Council’s Vision and will facilitate the transaction of business in furtherance of the Strategic Plan.

**Community Engagement:** Council previously received public comment regarding potential changes to its Meeting Procedures, and these were taken into account during discussions at Council’s retreat. Council will also hold a public hearing on this matter at tonight’s meeting.

**Budgetary Impact:** none identified at this time.

**Recommendation:** Review and vote on the revised rules and procedures.

**Alternatives:** If Council desires, it may further discuss and edit the revised rules and procedures. The existing procedures will remain in effect until Council changes them.

## **Charlottesville City Council Meeting Rules and Procedures**

These *Charlottesville City Council Meeting Rules and Procedures* are designed to help City Council conduct its affairs in a timely and efficient manner, while encouraging a robust and meaningful dialogue with members of the community.

### **A. Meetings**

1. Regular meetings of the City Council will begin at 6:30 p.m. on the first and third Mondays of each month (or the following day if that Monday is a legal holiday,) in City Council Chambers (Second Floor, City Hall.) Council will adopt a schedule for its regular meetings at its first regular meeting in January each year.
2. Council may hold additional meetings at other locations and times, or may change the location and time of a regularly scheduled meeting as it deems appropriate. Notice of additional meetings or changes to the location or time of a regularly scheduled meeting will be provided to the public and press as required by the Virginia Freedom of Information Act (FOIA).
  - a. “Town Hall Meetings” may be regularly scheduled meetings, such as the “Our Town” meeting series, or may be scheduled as a special meeting by Council on a particular topic. A town hall meeting is a type of meeting at which Councilors answers questions from the public.
  - b. “Work Sessions” are meetings at which Council may discuss one or more specific topics in depth among themselves, or at which Council desires to receive an in-depth presentation from staff or an outside party on a particular topic. Council may vote on matters discussed at a Work Session (FOIA does not prohibit voting,) but generally the purpose of a Work Session is to inform Councilors on a topic and for Councilors to give staff or others general direction. Work Sessions may take place within a regular meeting or may be scheduled as a special meeting.
3. Special meetings, closed meetings, and emergency meetings may be scheduled and held in addition to the schedule of regular meetings. Notification requirements for special meetings, closed meetings and emergency meetings are governed by the Virginia Code.
  - a. For special meetings, the purpose and nature of the meeting will dictate whether public comment will be allowed. Time for public comment may or may not be allocated depending on the nature of the meeting and at the discretion of Council.
  - b. Closed meetings generally take place at 5:30 p.m. before the regular Council meeting. The only items Council may consider in closed meetings are those permitted by the Virginia

Freedom of Information Act and identified in the motion convening the closed meeting.

## **B. Agenda and Materials**

1. The City Manager shall ensure a proposed agenda is prepared for the Mayor's consideration nine business days before the meeting. The agenda of every regular Council meeting is approved by the Mayor. Any Council member desiring to add items to the proposed agenda should submit them to the City Manager and the Mayor ten business days before the meeting. Last minute submissions are discouraged, but may be added to a regular meeting agenda, subject to a vote of Council at the meeting approving a change [addition] to the published agenda. This may occur from time to time when a matter that requires action expeditiously was not known in time to be presented during the normal agenda development process. Citizens may suggest an item for consideration on a council meeting agenda, by submitting the suggestion in writing to the Clerk of Council at least ten business days prior to the meeting.
2. The **Order of Business** at each regular meeting of Council shall be as follows:
  - a. 6:30 p.m. **Call to Order, Pledge**
  - b. **Special Recognitions** by the Mayor or Council (if any), Awards and Community Matters (Council may also project awards, recognitions, and announcements on the television/ video screens, in lieu of reading/ announcing them)
  - c. **Community Matters (formerly Matters by the Public)**  
(Limited to 16 speakers, maximum; see Section D of these Procedures)
  - d. **Consent Agenda**  
(including, without limitation: approval of minutes; routine ordinances or resolutions; final/ second readings of appropriations, ordinances or resolutions; other routine items)
  - e. **Action Items, and any related Public Hearings**  
(Items on which action is requested from Council)
  - f. **General Business for Discussion, and any related Public Hearings**  
(Items on which Council will conduct a public hearing, hold a discussion among themselves, receive a presentation, etc., but on which no action will be taken at that meeting)
  - g. **Matters by the Public**
3. The City Manager, in consultation with the Mayor, shall provide background materials for the Council and the public. Agenda and background materials for upcoming City Council meetings shall be made available for public review in the Clerk of Council's Office and on the **City's website** concurrent with Council's receipt of the same, and no later than Wednesday before the meeting.
4. Any materials in addition to the background materials prepared by the City Manager shall be distributed to the Council by the Clerk of Council no later than Friday before the meeting. Council may defer any item for which all relevant information has not been provided in a timely manner.

## 5. Agenda Items

- a. *Consent Agenda:* the consent agenda may be used for eligible items and may include, but is not limited to, routine and noncontroversial appropriations, grant applications, contracts, resolutions, ordinances, second readings, and the minutes. After the consent agenda is read by the Clerk of Council, any item may be removed at the request of any two Council members. Any item removed from the consent agenda shall be added to the end of the regular agenda for discussion. Those items not removed from the consent agenda shall be acted upon by a single vote of Council.
- b. Agenda items shall be heard in the order in which they appear on the agenda. With the consent of two other Councilors, the Mayor may postpone or take out of sequence agenda items from the order listed on the agenda.
- c. Each agenda item shall be given an approximate time limit. Generally, the total time allocated to any agenda item that does not include a scheduled public hearing shall not exceed twenty (20) minutes, unless the Mayor, in consultation with the City Manager, determines otherwise.
- d. Opening presentations for agenda items shall be limited to ten (10) minutes, unless the Mayor, in consultation with the City Manager, determines otherwise.
- e. For each agenda item, staff or an appropriate designee will present the item to Council, after which Councilors may ask clarifying questions of staff if necessary. If a public hearing is scheduled, the public hearing will be conducted before any motion is initiated by a councilor.

## C. Transaction of Business

### 1. General.

- a. Unless otherwise specifically provided by law, Council may conduct business and vote upon any matter properly before it, at any meeting at which a quorum is present.
- b. Informal discussion of a subject is permitted while no motion is pending.
- c. In making motions and transacting its business, Council shall follow the rules set forth within these Meeting Procedures. If a question of procedure arises that cannot be resolved by the provisions within these Procedures, the Parliamentarian will consult Robert's Rules of Order and apply them to a resolution of the question.

### 2. Motions, generally.

- a. Any member, including the presiding officer, may make a motion. A member may make only one motion at a time.

- b. Except as otherwise noted, all motions require a second; a motion dies for lack of a second.
- c. Except as otherwise noted, each member is required to obtain the floor, by addressing the presiding officer, before making motions or speaking.

### **3. Substantive Motions.**

- a. A substantive motion is any motion that deals with the merits of an item of business and that is within the Council's legal powers, duties and responsibilities.
- b. A substantive motion is out of order while another substantive motion is pending.

### **4. Procedural Motions.**

- a. A procedural motion is a motion that 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. Only the following procedural motions, and no others are in order. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is not available:
  - i. Appeal a Procedural Ruling of the Presiding Officer (an appeal is in order immediately after a decision is announced and at no other time; the maker need not be recognized by the presiding officer, the motion does not require a second, and if timely made the motion may not be ruled out of order).
  - ii. Motion to Adjourn
  - iii. Take a Brief Recess
  - iv. Suspend the Rules
  - v. Defer Consideration of a Substantive Matter ("lay on the table"; "postpone"; "defer")
  - vi. Call the Question (not in order until each member has had an opportunity to speak once; the motion is not amendable or debatable)
  - vii. Motion to Amend (a motion may be amended no more than twice; once a motion has received a second, it is up to the entire group to decide whether or not it should be changed by amendment; prior to receiving a second, a motion may be amended with the permission of the person who made the motion)
  - viii. Substitute Motion (no more than one substitute motion may be made; if a substitute motion is adopted and replaces the original motion, no further substitute motions may be made)
  - ix. Withdrawal of Motion (a motion may be withdrawn by its maker any time before it is amended, or before the presiding officer puts the motion to a vote, whichever occurs first)
  - x. Motion to Reconsider (must be made no later than the next succeeding regular meeting, by a member who voted with the prevailing side; this motion may not be used in a land use decision involving a rezoning or a

conditional use permit)

## **5. Debate**

- a. Discussion and debate of matters before the Council for action shall be undertaken in an informal and conversational matter, as much as possible. In the event that conflicts arise among members as to the order for speaking, the presiding officer shall apply the following rules: the maker of a motion is entitled to speak first, if he or she wishes to do so; a member who has not spoken on an issue shall be recognized before someone who has already spoken.
- b. The presiding officer may participate in the debate prior to declaring a matter ready for a vote.
- c. Council members shall not engage in electronic communications among themselves during a meeting, regarding any motion that is on the floor for debate.<sup>i</sup>
- d. In making a motion, a member shall endeavor to state the basis of the motion within a period not more than 5 minutes. In debating a motion, or in proposing amendments or substitute motions, each member shall try to state the basis of that procedural motion within a period of less than 3 minutes. In asking a question of a speaker, Council members should take not more than 3 minutes to phrase the question.<sup>ii</sup>
- e. In debate, speakers shall be collegial in their language, shall avoid all reference to personalities, and shall never allude to the motives of Council members. No member shall interrupt another without the consent of the member who has the floor, except when making a point of order.

## **6. Voting**

- a. The Mayor shall call the question, either: (i) after a motion to call the question has received a second and has been voted upon, or (ii) at his or her discretion, any time after each member has had at least one opportunity to speak during debate. After the vote is taken, the Mayor shall announce that the motion is adopted or failed and the vote count.
- b. If any member abstains from voting, the reason for the abstention shall be included in the minutes of the meeting.
- c. In the event that a substantive matter does not require a recorded vote, then the Mayor may call for approval of that matter by voice vote or acclamation. (Generally this process should be used only when a matter is simple, clear to all present and requires no discussion.)

## **7. Mayor as Presiding Officer**

The Mayor shall preside at all meetings of City Council (“presiding officer”) The Vice Mayor shall be the presiding officer in the Mayor's absence.

Meetings of City Council shall be governed according to these Meeting Procedures, except where provided otherwise by the Virginia Code or the Code of the City of Charlottesville. Matters not addressed within by one of those sources shall be resolved in accordance with Robert’s Rules of Order.

- a. The City Attorney shall serve as the Parliamentarian for the purposes of interpreting these Rules of Procedure, and the Code of Virginia (1950), as amended, and Robert’s Rules of Order, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Councilors.
- b. No rule set forth within these Meeting Procedures can be suspended except by the consent of four Council members. Suspension of the rules may be made by a motion. (City Code section 2-66.)
- c. At each Council meeting, the presiding officer shall preserve order and decorum, and shall have the authority:
  - (i) To rule motions in or out of order, including any motion not germane to the subject under discussion;
  - (ii) To determine whether a speaker is unreasonably disturbing the meeting, and to entertain and rule on objections from other members on this ground;
  - (iii) To entertain and answer questions of procedure;
  - (iv) To call a brief recess at any time;
  - (v) To adjourn in an emergency.
- d. A decision by the presiding officer on any matter listed in (c)(i) through (c)(iii) above may be appealed to Council upon motion of any member. Such a motion is in order immediately after the presiding officer announces his or her decision, and at no other time.
- e. The presiding officer shall ensure that individuals address their comments to City Council at appropriate times, in accordance with the meeting agenda. Otherwise, no person shall address City Council until leave to do so has been granted by the City Council or until invited to



do so by the Mayor. Remarks shall at all times be addressed directly to Council, and not to staff, the audience, or the media. (City Code sec. 2-71.)

f. Remarks and actions that disrupt the Council meeting, and remarks from persons other than Councilors, the City Manager or City Attorney, which are outside the purpose of Matters by the Public or a Public Hearing (see section D, below), a staff report, or other presentation associated with an agenda item, are not permitted.<sup>iii</sup> The presiding officer shall call an individual to order when that individual goes afoul of these rules. The following are examples of remarks and behavior that are not permitted:

- i. Interrupting a speaker who is addressing Council at the speaker's microphone or a speaker who has otherwise been invited to address Council during Matters by the Public or a Public Hearing;
- ii. Interrupting a Councilor who is speaking;
- iii. Shouting, and talking (either individually or in concert with others) in a manner that prevents a speaker or a Councilor from being heard or that otherwise hinders the progress of the meeting;
- iv. Blocking paths for emergency exit from the meeting room; engaging in any conduct that prevents a member of the audience from seeing or hearing Councilors during a meeting; standing on chairs or tables within the Council meeting room;
- v. Threats of violence toward Councilors, City staff or members of the public;
- vi. Engaging in conduct that is a criminal offense under the City Code or the Virginia Code;
- vii. Campaigning for elected office;
- viii. Promotion of private business ventures.

8. During a City Council meeting the presiding officer shall have control of the Council Chambers and the connecting halls and corridors within City Hall, and any other venue where a Council meeting is being held. In case of any conduct described in Section 9, above, the presiding officer may take measures deemed appropriate, including but not limited to suspending the meeting until order is restored, ordering audio and visual equipment temporarily turned off, ordering areas to be cleared by the Sergeant at Arms, or requiring any individual to exit the meeting room and adjacent premises (connecting halls and corridors.)

9. Any person who has been expelled from a Council meeting may also be barred by the Mayor from attendance at future Council meetings for a specified and reasonable period of time, subject to appeal to Council or motion passed by Council.

#### **D. Matters by the Public, Public Hearings and Other Comment Opportunities**

1. *Matters by the Public* – Time shall be reserved during each regular City Council meeting for “Matters by the Public”. The purpose of Matters by the Public is to offer individuals an opportunity to state a position, provide information to City Council, comment on the services, policies and affairs of the City, or present a matter that, in the speaker's opinion, deserves the attention of City Council.

- a. At Council's regularly scheduled meetings, two opportunities will be afforded for members of the public to address Council.

One "Matters by the Public" session will be offered early in the meeting, which shall be called "Community Matters", prior to taking up matters on a consent agenda, action items agenda, or items for discussion agenda. At this first period, up to sixteen (16) individuals may speak, as follows: (i) up to 8 individuals selected randomly from a list of people who have signed up in advance, and (ii) up to 8 individuals who have registered on the sign-up sheet available at the front of the room prior to the meeting on first-come/first-served basis.

A second "Matters by the Public" session will be offered as the final item on a regular meeting agenda.

- b. No person may speak more than once during any "Matters by the Public" session. Each person who speaks during a "Matters by the Public" session will be limited to a maximum time of three minutes. Prior to commencement of a "Matters by the Public" session at the end of a regular meeting agenda, Council may, by motion, limit the number of speakers who will be heard, and/or reduce the time for each speaker to two (2) minutes, if the session could not be commenced prior to 11:00 p.m. <sup>iv</sup>
  - i. Speakers may not concede their allotted time; the person whose name is written on the speaker sheet must be the person who begins speaking, although they may be accompanied by others to the podium and may share their time with them. Each speaker shall begin by clearly stating his or her name and place of residence (or, if speaking on behalf of a business, by giving the location of the business).
  - ii. Written materials presented at Matters by the Public must be given to the Clerk prior to speaking and will be distributed to the Council. For distribution of hard copies to Councilors, eight copies should be provided; however, electronic distribution is preferred and may be sent to [council@charlottesville.org](mailto:council@charlottesville.org). Power point presentations cannot be accommodated during Matters by the Public.
  - iii. After an individual completes his or her remarks to Council, any Councilor or the City Manager may respond as they see fit. To assure the orderly progress of the meeting, the presiding officer shall ensure that, collectively, responses to any individual's remarks will not exceed a period of approximately two minutes.
  - iv. Remarks that cannot readily be addressed within the Councilors' response time may be referred to the City Manager by the Mayor, with a request that the City

Manager bring back a response at the meeting immediately following the present meeting.

2. *Public hearings* – From time to time, Council will conduct public hearings on specific topics as required by law or as Council otherwise deems appropriate. The purpose of a public hearing is for Council to receive public comments on a specific topic.

- a. Sign-up sheets are provided at the front of the room. Speakers will be called from that list, as time permits.
- b. After all speakers on the sign-up list have been called, other individuals will be invited to speak, until everyone who wishes to speak on the topic has had a chance to do so.
- c. During a public hearing, each speaker must limit his or her comments to the specific application or matter for which the public hearing has been scheduled.
- d. No person may speak more than once during any Public Hearing. Each person who speaks during a Public Hearing will be limited to a maximum time of three minutes. Prior to opening a Public Hearing, Council may, by motion, reduce the time for each speaker to two (2) minutes, upon determining that there is an unusually large number of speakers who desire to speak.

3. *Town hall meetings* – Town hall meetings are generally conducted in an open format. Council may conduct a Town Hall meeting in a manner that is free-form (no limit on the time for making a comment or stating a question, or for Councilors' responses,) or Council may establish an agenda or list of topics that will apply for a particular Town Hall meeting, and times or guidelines for speakers' questions and Councilors' responses. Any parameters that will apply to a Town Hall will be established by the Mayor prior to the meeting or by vote of Council after calling the Town Hall meeting to order and prior to opening the floor. Prior to commencing the session, attendees shall be notified of any applicable time limits or speaker guidelines, either by posted signs, a written agenda or verbal announcement by Council at the beginning of the meeting.

4. *Written Comments* – To provide an additional mechanism to communicate with Council, a “[Submit a Comment to City Council](#)” form is provided on the City website for electronically submitting comments. These comments are distributed to all Council members. Citizens may also contact Councilors via their City email addresses (available on the City's website) or by written correspondence sent in care of the Clerk of Council.

## **E. Recess**

1. During regular meetings, Council will take a brief recess every two hours. The presiding officer will announce the recess at an appropriate time, or any member may, by point of order, remind the presiding officer that a brief recess is due.
2. The Council's goal at regular meetings is to adjourn no later than 11:00 p.m.

## **F. Other**

1. In the interests of efficient management, if Council members seek answers from City staff, they should generally attempt to do so through the City Manager. In any event, when asking questions of staff, Council members should advise City Manager of same.
2. Members of the City Council, including the Mayor, shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Council members shall explicitly state they do not represent their body or the City, nor will they allow the inference that they do. No member of City Council may purport to speak on behalf of the City on matters that have not been voted on by Council or that do not represent official City policy unless authorized by the City Manager.
3. If a Councilor chooses to convene a public meeting that employs any City resources (including meeting spaces and staff attendance), and that might be attended by two or more Councilors, he or she shall advise other Councilors at least one day in advance of the time and place of the meeting.
4. Council members shall respect and adhere to the council-manager structure of Charlottesville City government as outlined in the Charlottesville City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards and Commissions, and the public. Except as provided by the City Code, Council members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

## **G. Miscellaneous**

1. Persons with disabilities may request reasonable accommodations by contacting [ada@charlottesville.org](mailto:ada@charlottesville.org) or (434) 970-3182. Persons are encouraged to make requests in advance.
2. All regular City Council meetings are broadcast live on Charlottesville's TV-10. Streaming video of the meetings is available for viewing [online](#) at the time of the meeting and as an archived video on the next business day following a meeting. Archived meetings can be downloaded in audio or video format from the City [website](#). [Charlottesville TV 10](#) runs repeats of the most recent meeting throughout the month on Mondays, Wednesdays, and Fridays at 7:00 p.m. and Tuesdays, Thursdays, and Saturday mornings at 9:00 a.m. until the next meeting is held. A DVD copy of the meeting may be requested the week after the meeting; a nominal fee may apply. Contact the Clerk of Council at [clerk@charlottesville.org](mailto:clerk@charlottesville.org) or (434) 970-3113 to inquire.

3. These City Council Meeting Rules and Procedures will be posted on the City's website.
4. These Council Meeting Rules and Procedures are adopted by the Council pursuant to Section 12 of the Charter of the City of Charlottesville and supersede prior rules. The rules and procedures set forth within this document do not create substantive rights for third parties or participants in proceedings before City Council, and City Council reserves the right to suspend or amend the rules in the manner provided in the City Code. The failure of City Council to strictly comply with the provisions of this document shall not invalidate any action of City Council.

Approved by City Council \_\_\_\_\_, 2018.

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<sup>i</sup> Council had some discussions about the propriety of electronic communications during meetings. This provision only addresses communications between or among Councilors during the meeting regarding a motion that is on the floor for debate, which should always be open to viewing and hearing by public in attendance at the Council meeting.

<sup>ii</sup> Council has indicated it wishes to make these time limits less firm; the wording has been edited slightly, but the time limits themselves have not been updated.

<sup>iii</sup> This section has been reworked in a manner that will focus on the matters of business being considered at a meeting, and the types of conduct that actually result in disruptions or presents a danger to individuals assembled in close quarters.

<sup>iv</sup> This is a proposed provision that will reserve to Council the right to facilitate a desirable end point for any meeting.