

## **Resolution #2022-011 AMEND COUNCIL RULES OF PROCEDURE**

BE IT RESOLVED by the Town Council of the Town of Haymarket, in accordance with the Town Charter, that the following Council Rules of Procedure be adopted, as amended on June 27, 2022, with an effective date of July 1, 2022.

Section 2-1: Meetings was amended changing time of regular monthly meetings to 6 pm, Section 2-6 (A): Organizational Meeting by changing the date of the meeting from July to the January after the November Town Council election and Section 5-1: Order of Business by moving closed session to the top of Order of Business that will start at 6 pm, when closed session is needed. This amendment will effect at the Town Council regular monthly meeting on July 5,2022

## **RULES OF PROCEDURE**

### **Introduction**

These rules of procedure were designed and adopted for the benefit and convenience of the Haymarket Town Council. Their purpose is to help the Town 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 supersede the provisions of the Town Charter. The rules of procedure do not create substantive rights for third parties or participants in proceedings before Town Council.

Further, the Town Council reserves the right to suspend or amend the rules of procedure whenever a majority of Council decides to do so. The failure of the Town Council to strictly comply with the rules of procedure shall not invalidate any action of Town Council.

## SECTION 1 - PURPOSE AND BASIC PRINCIPLES

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

- A. To enable the Haymarket Town 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 Town Council on any matter.

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

- A. The business of the Town Council should proceed in the most efficient manner possible;
- B. Town Council's rules of procedure must be followed consistently;
- C. Town 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 Town 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, as provided by the Town Charter;
- 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.

**Commented [KH1]:** J. Baker suggested "Every member has an equal right to participate and vote on matters before the Council"

**Commented [KH2]:** J. Baker suggested "The Council must act as a body and ensure the will of the majority is carried out, while respecting the rights of the minority"

## SECTION 2 – MEETINGS

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

The time and place of regular meetings of the Haymarket Town Council (hereinafter referred to as the Council) shall be established as follows:

First Monday of the month at 6:00 PM for Closed Sessions and 7:00 PM for Regular meetings Last Monday of the month, 7:00 PM for Work Sessions

Meetings shall be held in the Town Hall Council Chambers. 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.

#### Section 2-1.1. Continued Meetings

A regular meeting shall be continued to a date to be agreed upon in open session at the same time and place as the regular meeting. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

**Section 2-1.2. Policy on Participation in Meetings Electronically in the Event of Emergency or Personal Matter; Certain Disabilities; State of Emergency**

**Commented [KH3]:** This is added based on the adopted remote participation policy of 2023

As Permitted Pursuant to Virginia Code § 2.2-3708.3 and Town of Haymarket Resolution #2023-004: Remote Participation, a member of the Council may participate in a meeting of the Town Council or a meeting of a committee or sub-committee of the Town Council through electronic communication means from a remote location ONLY as follows and subject to the following requirements, which shall be applied strictly and uniformly without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted upon at the meeting:

- A. Remote participation shall be subject to the approval of the presiding officer of the applicable public body, appealable to the body as a whole in accordance with Robert's Rules of Order.
- B. On or before the day of a meeting, a member of the public body wishing to participate remotely shall notify the presiding officer that such member is unable to attend the meeting due to:
  - 1. a temporary or permanent disability or other medical condition that prevents physical attendance,
  - 2. a medical condition of a member of the member's family requiring the member to provide care that prevents the member's physical attendance;
  - 3. the member's principal residence being more than 60 miles from the meeting location identified in the required notice for such meeting; or
  - 4. the member being unable to attend the meeting due to personal reasons, in which case the member shall identify with specificity the nature of the personal reason.
- C. A member's participation from a remote location will only be approved if the member's voice is clearly audible to council members and citizens at Town Hall (or such other location as specified in the notice of the meeting) and if the member can hear persons speaking into the microphones at the Town Hall (or other specified location).
- D. If a member's participation from a remote location is disapproved because such participation would violate the policy, such disapproval shall be recorded in the minutes with specificity.
- E. Each member's participation due to personal reasons shall be limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

- F. A quorum of members participating in person must be physically assembled at the meeting location that was announced in the notice of the meeting or if no location is specified, at Town Hall.
- G. The public body shall record in the minutes all instances of remote participation, and the remote location from which a member participates. The remote location need not be open to the public and may be identified in the minutes by a general description.
- H. If participation is approved pursuant to subsection B:1 or B:2 of this policy, the public body shall include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subsection B:3 the public body shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subsection B:4 the public body shall also include in its minutes the specific nature of the personal matter cited by the member.
- I. Instances of remote participation shall be included in the total of meetings attended for the purpose of calculating the monthly compensation of the Town's elected and appointed officials.
- J. A Councilmember who is participating in a meeting electronically may not be prohibited or restricted from voting on matters.
- K. This policy shall be adopted annually by a recorded vote of the Town Council during a public meeting, at which time, it shall be updated to include any changes required by the Code of Virginia in order to hold meeting through electronic communication means.
- L. Council may also meet electronically as permitted by Virginia Code § 2.2-3708.2 when the Governor has declared a state of emergency in accordance with § 4.4-146.17 or the Council has declared a local state of emergency pursuant to Virginia Code § 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impractical or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the Town or the discharge of its lawful purposes, duties and responsibilities. In convening a meeting under this policy, the Town shall:
1. (a). Give public notice using the best available method given the nature of the emergency, said notice to be given contemporaneously with the notice provided to members of Council.
  - (b) Make arrangements for the public to access the meeting through electronic communication means, including video conferencing if already used by the Town Council.

(c). Provide the public with the opportunity to comment at those meeting of the Town Council when public comment is customarily received.

2. The nature of the emergency, the fact that the meeting was held electronically and the type of electronic means used shall be stated in the meeting minutes.

3. Council shall otherwise comply with Virginia Code § 2.2-3708.2

## Section 2-2. Special and Emergency 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 Article III, Section 1(10) of the Town Charter.

B. Special meetings may be called by the Mayor, 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 .

**Commented [KH4]:** Remote participation in case of State or Town of Emergencies is provided in subsection L. Jbaker commented that clarification language needs to included in what constitutes a emergency and the parameters of reasonable notice. Subsection C defines procedures in calling an emergency meeting.

delivered to each member of the Council by giving reasonable notice at his or her place of ~~abode~~ residence or place of business or via e-mail. 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.

~~B.C.~~ Emergency meetings may be called by the Mayor or any two members of Council in writing to the Clerk of the Council for the purpose stated in the notice of the emergency 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 emergency meeting shall be delivered to each member of the Council by giving reasonable notice at his or her place of ~~abode~~ residence or place of business or via e-mail. Only matters specified in the notice of the emergency 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.D.~~ In accordance with the Code of Virginia, 2.2-3707(D) Notice, reasonable under the circumstance, of special or emergency meetings shall be given contemporaneously with the notice provided members of the public body conducting the meeting, the Town Attorney, and the Town Manager.

## Section 2-3. Legal Holiday

When a regularly scheduled Monday meeting falls on a legal holiday, the meeting shall be held on the following Tuesday unless the meeting is canceled or otherwise rescheduled 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 Council shall agree to any such change and the remaining members of the Council shall be immediately notified of the change and the reason therefore.

The public and the media shall be notified promptly of the change.

## Section 2-6. Organizational Meeting

A. The first meeting in January following ~~the November the~~ Council general election shall be known as the organizational meeting.

B. The Vice Mayor shall be elected at the organizational meeting for a term of two years in accordance with the procedures set out in Section 2-7.

~~C. Following the election of the Vice Mayor, the Council shall make Liaison assignments as appropriate.~~

~~D. The Rules and Procedures and any other guidelines, such as Spending Policy or Check Signing Policy, should be reviewed and edited at the Organizational Meeting.~~

~~G-E. At each Organizational Meeting, the Town Clerk will read the Code of Ethics into the record with each Councilmember acknowledging them with an affirmative vote.~~

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**Commented [KH5]:** After speaking to several other Clerks, they read the Code of Ethics for Council to acknowledge and confirm

## Section 2-7. Procedure for Election of Vice Mayor

A. Election of the Vice Mayor at the organizational meeting shall be accomplished in accordance with the following procedures:

1. The Mayor shall call for nominations from the Council.
2. Any Council member, after being recognized by the Mayor, 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 Mayor shall close the nominating process and open the floor for discussion.

4. After discussion the Mayor shall call for the vote on each nominee in the order his or her name was placed into nomination.

5. A majority of those voting shall be required to elect the Vice Mayor.

B. The Vice Mayor shall serve until a successor is elected by the Town Council.

## Section 2-8. Seating Arrangement

The Mayor shall occupy the center seat on the dais. Members of the Council shall select among seats according to seniority, unless determined otherwise by Council.

## SECTION 3 – OFFICERS

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

The Mayor shall preside over all meetings of the Council; and, shall only vote in the case of a tie, as provided by the Town Charter. 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. Parliamentarian

The Town Attorney shall serve as the Parliamentarian for the purpose of interpreting these Rules of Procedure, 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 Town Attorney is unavailable, the Town Manager shall serve as the Parliamentarian. All legal questions from Mayor and Council on all Town business shall be addressed to the Town Attorney.

### Section 3-3. 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;
- 2-3. To entertain and answer questions of parliamentary law or procedure;
- 3-4. To call a brief recess at any time;
- 4-5. To adjourn in an emergency.

B. A decision by the presiding officer under either of the first two 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 for the purpose of restoring calm.

**Commented [KH6]:** Found this in Middleburg's Policies and Procedures.

## SECTION 4 – AGENDA

### Section 4-1. Preparation

A. The Town Clerk 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.~~ B. Any member of the public 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. Items that are based upon a statutory requirement will automatically be placed on the agenda by the Clerk. Requests for items that do not have a statutory requirement may only be added to the agenda if a member of Council agrees to sponsor such request.

~~D.~~ 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.

~~E.~~ 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. Adding items to a special or emergency meeting agenda requires the presence of all members of 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.

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

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### Section 4-2. Delivery of Agenda

The Council meeting package, including the agenda and related materials, shall be delivered to each member of the Council and the Town Attorney ~~either electronically or hand delivered one week prior to the Monday work session five (5) calendar days prior to the Work Session and one week prior no later than noon on the Thursday prior~~ to the Monday regular Council meeting. Such materials shall be posted to the Town website on those dates.

### Section 4-3. Copies

The Town Clerk 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 Town Hall for public inspection.

## Section 4-4. Internet

The Town Clerk shall post the agenda for all Town meetings and work sessions on the Internet and displayed at Town Hall for public information as promptly as possible. All meetings are posted on the Town's social media pages with related link to view the agenda on the Town website.

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

### Section 5-1. Order of Business

A. The Town Council Work Sessions are held on the last Monday of the month. The order of business shall be generally be as follows:

1. Call To Order
2. Roll Call
3. Agenda Items
  - a. Monthly Financial Report
  - b. Department Reports
  - c. Any items to be discussed in order for action at the Regular Monthly meeting
4. Adjournment

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B. At regular meetings of the Council on the 1<sup>st</sup> Monday of the month, the order of business shall generally be as follows:

#### 6 PM Closed Session, When Needed

##### 1. Call To Order

##### 2. Roll Call

##### 3. Closed Session Motion

##### 4. Certification

##### 5. Directive or Motion from Closed Session

##### 6. Adjournment

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#### A. 7 PM Regular Meeting

##### 1. Call to Order

##### 2. Roll Call

##### 3. Closed Session, As Needed

##### 4. Adjourn Closed Session

##### 3. Pledge of Allegiance

##### 4. Invocation or Moment of Silence

##### 5. Presentations or Special Recognitions

##### 6. Public Hearings (if any)

##### 7. Citizens' Time

##### Consent Agenda

##### a. Minute Approval

- b. Department Reports
- c. Liaison Reports

- 8. Agenda Items
- 9. Councilmember Time
- 10. Adjournment

B. The above order of business may be modified by the Town Clerk, as directed by the Mayor or Majority of Council, to facilitate the business of the Council.

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

D. ~~Council elected to begin adopting~~ The Consent agenda is ~~based upon recommendation of the Mayor, Clerk and Town Manager for issues items~~ that do not need any additional discussion or deliberation by the Council ~~such as Minute Approval, Department and Liaison Reports~~. Please note, that any member of Council can request of the Mayor to remove an agenda item for discussion from the consent agenda prior to the 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 Comment

1. Individuals or groups wishing to speak at a regular Council meeting shall be recognized by the presiding officer during the Public Comment section of the meeting. Groups wishing to make a presentation are encouraged to submit a written request to the Clerk of Council by noon on ~~the Thursday~~ the Monday prior to the regular meeting date.

2. Public comments shall be for the purpose of allowing members of the public to present any Town business related matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.

3. Candidates running for any public office who wish to appear before the Council on issues related to their candidacy shall do so under Public Comments; and, shall adhere to the five minute time limit.

4. Remarks shall be addressed directly to the Council and not to staff, the audience, or the media.

5. The presiding officer shall open the Public Comments.

6. 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.

~~6-7.~~ If a citizen is unable to attend the meeting but would like to have their voice heard, they are encouraged to send an email to the Town Clerk by 3 pm on the day of the meeting. The Town Clerk will read their email into the record identifying them and their address. If an email does not have a name associated with the email, the Clerk will not read the comment into the record.

**Commented [KH8]:** Jbaker added: " but must be relevant to town matters

**Commented [KH9]:** J Pasanello requested to have this added

~~7.8.~~ There shall be a time limit for each individual speaker of 5 minutes.

 ~~8.9.~~ A representative of a civic association, a home owners association, or any organizations formally recognized and current with Internal Revenue Service and/or the Commonwealth of Virginia State Corporation Commission shall have ten (10) minutes for their presentation. In the event that there is a question as to whether an organization is recognizable for purposes of the extended time limitation, the presiding officer shall so determine. The representative shall identify the group at the beginning of his or her presentation. A group may have no more than one spokesperson.



~~9-10.~~ There shall be no comment by speakers during Public Comment on a matter for which a public hearing is scheduled during the same meeting.

~~11.~~ 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 consent of the Town Council.

~~12.~~ Councilmembers shall not discuss issues raised by the public except by consent of the presiding officer at the conclusion of the Public Comment section.

~~13.~~ Once the Council has heard a presentation from an individual or organization on a particular subject that has been previously denied by the Town Council or for which the Town Council declined to advance consideration thereof, 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.

~~10.~~ ~~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 Town Clerk.

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 a majority 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 a copy to the Clerk of Council by 12:00 noon on the Date of the Council meeting.

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## Section 5-4. Prohibited Conduct

A. Persons appearing before the Council will not be allowed to:

1. Market or solicit business from the Town;
2. Use obscenities or other speech tending to create a breach of the peace;
3. 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;
4. Interrupt other speakers or engage in behavior that disrupts the meeting including but not limited to applause, cheers, jeers, etc.;

5. Engage in behavior that intimidates others;

B. The presiding officer shall preserve order and decorum at Council meetings. He or she may order the expulsion of any person, other than members of the Town Council, 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 Town, 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 upon recognition of the presiding officer. 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. 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 five (5) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of ten (10) 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 majority 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. Action Items

This section of the agenda shall include items of a general nature to be considered by the Council. 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 unanimous 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 Town 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. Upon the vote of the Council as a part of the motion to convene the Closed Meeting, 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. The Council shall remind those attending the Closed Meeting of their duty in this regard as a part of their certification motion.

## 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, the Council may exercise any of the powers conferred upon it at any regular, special, or adjourned meeting at which a quorum is present. According to Article III of the Town of Haymarket Charter, a majority of the members of Council constitutes a quorum for the transaction of business. A quorum is four (4) members of Council in the absence of the Mayor or three (3) members of Council and the Mayor. Quorum refers to the number of members present at a meeting, not the number of members voting on an issue. In the event that a meeting is held without a quorum of the Council, the Council may not take any action, whether formally or by consensus, including conducting public hearings.

B. If a quorum fails to attend any meeting that contains agenda items requiring action on the part of the Council, no action shall be taken and the Town Clerk shall enter such adjournment to the next regularly scheduled meeting in the minute book of the Council. The Clerk shall notify absent members thereof in the same manner as required for special meetings.

C. 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 first.

### 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.

B. Council members may address questions to the Town Manager, staff or other appropriate individuals present at the meeting. All legal questions should be addressed to the Town 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 voting member may make a motion.
- C. Voting members are required to obtain the floor before making motions or speaking, which they can do while seated.
- D. A voting 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 a majority vote 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 at least once and. 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 matter is decided. No more than one (1) substitute motion may be made.

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..

## 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 voting member of the Council who is present at a meeting is expected to vote upon all issues presented for decision unless prohibited from doing so by the Virginia Conflict of Interests act.

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

## 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, commissions and committees requiring a Council vote shall be appointed by an affirmative vote of a majority to serve specified terms as may be deemed to be appropriate by the Council or as specified by statute.

B. The Council by majority vote shall select the liaisons for the following: Planning Commission, Architectural Review Board, Finance, ~~Police and Historical Commission~~, Community Outreach and Business. The liaisons shall be responsible for leading the discussion of the standing committees during Council meetings and for keeping the Council informed on issues related to their respective committees. Committee liaisons 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

The roles of and the operating guidelines for the standing committees shall be as adopted by a majority of the Council.

#### A. Finance Liaison

The Finance Liaisons (FLs) are appointed by the Council at the beginning of each new term to be the representatives that liaise between the Town Staff and the duly elected governing body. The FLs main responsibility is to perform financial oversight of the Town's budget, expenditures, and all other financial related issues for the Council. Nothing in their duties prevent all Council Members from discussing financial matters with Staff by reaching out directly and asking questions, and if necessary, making an appointment to delve into a more detailed discussion.

#### Role, Responsibility, and Tasks of FLs:

- The FLs and Staff meet every second Wednesday @ 2 PM using a pro-forma agenda and cover the following items -
  - Review all invoices and check signing utilizing best practices and internal controls (one liaison reviews checks and approves invoices, and the other signs and approves checks/expenditures)
  - Review the current fiscal year budget, with Staff and the Chief of HPD (CHPD), and discuss line items, comparing projected to actuals and discussing causes and potential solutions for those that are not in-line with expectations

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- During budget season, Staff develops their proposed budget and keeps FLs abreast of overall progress, timeline, and highlights. However, a full detailed review and discussion of proposed budgets are the responsibility of Council and, accordingly, covered in their meetings
- Discuss current and proposed/planned expenditures with CHPD and Staff, as needed
- The FLs, at times, are a sounding board for Staff on budget matters related to the analysis of revenue, expenses and new initiatives to be brought to council for general discussion
- The FLs prepare a monthly summary of the bi-weekly meetings for inclusion into the agenda packet for the regular monthly meeting
- The FLs are available to Council, Staff and public to field any questions they may have regarding matters related to their role, responsibility, and tasks.

## **B. Business Liaison**

The Town Council Business Liaison serves as a bridge between the Town Council and the business community, working in collaboration with Town Staff to promote business engagement, economic growth, and community development. The Liaison ensures that business interests are represented while fostering strong partnerships to enhance the local economy in alignment with the Town of Haymarket's Strategic Plan.

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### Key Responsibilities:

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#### 1. Business Engagement & Advocacy

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- Work in collaboration with Town Staff (Town Manager, Town Treasurer, and Town Events Coordinator), who serve as the primary contacts for local businesses.
- Maintain awareness of business concerns, providing updates to the Town Council and escalating issues as needed.

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#### 2. Economic Development & Promotion

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- Encourage local businesses to actively participate in town events, including Haymarket Day, the Farmers Market, and the Town Holiday Event to strengthen community ties and business visibility.
- Support the development of an advertising campaign to showcase and attract businesses to the town.
- Work with Town Staff to highlight local businesses through Business Spotlights, social media promotions, and tourism initiatives.

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### 3. Business Roundtable & Networking

- Work with Town Staff to plan, coordinate, and host Quarterly Business Roundtable events to foster discussion and collaboration.
- Serve as an active participant in Business Roundtables, ensuring business feedback is captured and addressed by the Town Council as needed.

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### 4. Strategic Collaboration & Representation

- Represent the Town of Haymarket at local business events, including the Haymarket-Gainesville Business Association and Prince William County Chamber of Commerce meetings, to strengthen regional economic ties.
- Collaborate with the Town Council, Economic Development partners, and business organizations to align business initiatives with town policies.
- Monitor state legislation and zoning regulations, working with the Virginia Municipal League (VML) and other municipalities to provide insights to the Town Council.

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### 5. Infrastructure & Business-Friendly Initiatives

- Advocate for business-friendly infrastructure improvements, such as parking solutions, streetscapes, and pedestrian-friendly access.
- Provide input on economic development policies that benefit local businesses, ensuring alignment with the Town's Strategic Plan.

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### Alignment with the Town's Strategic Plan

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The Business Liaison role directly supports multiple objectives, including:

- Fostering Economic Development, Tourism, and Supporting Businesses (Business Spotlights, Town Event Participation, Business Roundtables).
- Enhancing Community Engagement (Business Networking, Regional Collaboration).
- Improving Transportation & Infrastructure (Supporting projects that benefit businesses).

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By working alongside Town Staff and local businesses, the Business Liaison helps ensure Haymarket remains a thriving, business-friendly community while preserving its small-town charm and economic vitality.

### C. Architectural Review Board Liaison

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The ARB Liaison is an active ARB seat that represents Council. It is intended to assist with bridging communication between the Board and Town Council as well as assisting the Board with understanding the vision Council sees as the town's architectural style.

Role:

- Active seat on the Board
- Town Council Representative
- Communication Bridge between Town Council and the ARB members

Responsibility:

- Participate as an active member of the ARB
- Report Council Activity to the ARB members
- Submit a monthly Liaison report to Council summarizing ARB meeting activity

**D. Planning Commission Liaison**

Reports To: Town Manager, Mayor, Chairman

Position Summary:

The Planning Commission Liaison serves as the primary point of contact. This role ensures effective communication, coordination, and facilitation of planning-related activities, including land use, zoning, and development initiatives. The Liaison provides administrative and technical support, assists in policy development, and helps align planning objectives with broader community and governmental goals.

Key Responsibilities:

- Serve as a bridge between the Planning Commission, Town Council, and local government officials.
- Provide guidance on planning and land-use regulations to commissioners, council members, developers, and citizens.
- Support the implementation of comprehensive plans, planning projects, and council directives.
- Serve as a liaison between the Town Council and Planning Commission to ensure planning and development efforts align with town policies and strategic goals.

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## E. Community Outreach Liaison

### Position Overview:

The Community Outreach Liaison serves as a bridge between the Town of Haymarket's local government and its residents, businesses, and community organizations. This role focuses on fostering engagement, promoting civic participation, and ensuring transparent communication between the town leadership and the public.

### Key Responsibilities

- Develop and maintain relationships with community groups, HOA's, and residents to understand concerns and priorities.
- Organize and attend public events, town halls, and meetings to share information and gather community input.
- Serve as a point of contact for residents with questions or concerns about town initiatives and policies.
- Collaborate with local organizations, nonprofits, and stakeholders to support community programs and projects.
- Create and implement community programming that fosters engagement, civic education, and local involvement.
- Assist in creating and distributing public communications, including newsletters, social media updates, and town announcements.
- Advocate for community needs by relaying feedback to the Town Council and helping shape policy decisions.
- Promote volunteer opportunities and encourage civic engagement among residents.
- Represent the Town of Haymarket at local events, ensuring a visible and approachable presence in the community.
- Collaborate with the Business Liaison to foster connections within the town, utilizing the Communications Plan for guidance.

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## SECTION 8 -- GENERAL OPERATING POLICY

### **Section 8-1. Live Streaming via Webcast and Recording of Town Business**

All meetings and work sessions of the Council, Planning Commission, Architectural Review Board, Historic Commission and Board of Zoning appeals will be aired live via Webcast. Any additional gatherings may be aired via Webcast at the discretion of the Town Manager when in the best interest of the public, notwithstanding technology failures, power outages, and other complications beyond the control of the Town Staff. Copies of the broadcast may be obtained via the Town's website by download. If a copy of a meeting is desired, charges may apply.

### **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 four digits of the calendar year, the month and day.

Example: for the first resolution made on January 1, 2013, the resolution number would be shown as: RES201301-01. 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.

## SECTION 9 – CORRESPONDENCE POLICY

### Section 9-1. Town Clerk

All correspondence for Council, Commissions, Boards and Staff should be copied to Town Clerk to ensure proper recording keeping.

### Section 9-2. Town Attorney

Mayor and Council need to address all legal questions to the Town Attorney. The Town Attorney should be copied on any and all correspondence on town municipal matters.

**Commented [KH11]:** J Pasanello would like the policy in contacting the Town Attorney

### Section 9-3. Staff Members

All requested directives from the Town Council either as a whole or individually will go through the Town Manager.

**Commented [KH12]:** TM Kyriazi requested this to clarify procedures

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