

**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.

## **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, 6:00 p.m. Closed Session, As Needed 7:00 p.m. – Regular meeting  
Last Monday of the month, 7:00 p.m. – Work Session

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 2-2. 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

delivered to each member of the Council by giving reasonable notice at his or her place of abode 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.

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 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.

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 Council 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.

#### **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;
3. To call a brief recess at any time;
4. 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.

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

### **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 one week prior to the Monday work session and one week 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 for public information as promptly as possible.

## DRAFT

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

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

A. 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:

1. *Call to Order*
2. *Roll Call*
3. *Closed Session, As Needed*
4. *Adjourn Closed Session*
5. *Pledge of Allegiance*
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 a "consent agenda" based upon recommendation of the Mayor, Clerk and Town Manager for issues that do not need any additional discussion or deliberation by the Council. Please note, that any member of Council can request of the Mayor to remove an agenda item 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 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.

7. There shall be a time limit for each individual speaker of 5 minutes.
8. 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. There shall be no comment by speakers during Public Comment on a matter for which a public hearing is scheduled during the same meeting.

10. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting or work session by consent of the Town Council.

11. 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.

#### **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. 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) (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. 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.



## **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.