



WARRENTON TOWN COUNCIL HANDBOOK

Town Council 2022-2024

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Vice Mayor
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Paul W. Mooney, At Large

**V3 01.25.23 Highlighted areas still need to
be addressed.**

Updated as of February 2023

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INTRODUCTION

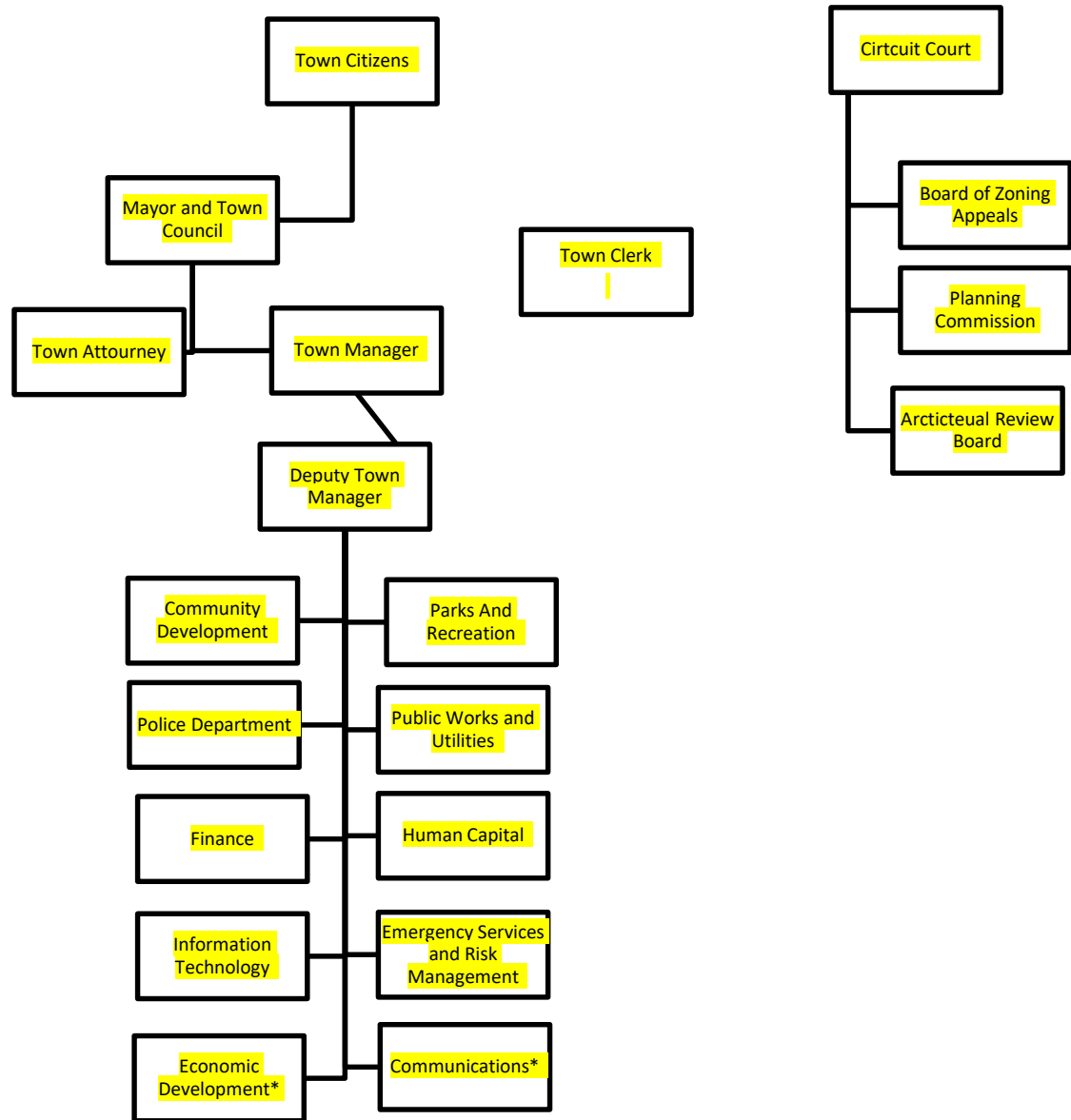
This Handbook was prepared for you and is intended to describe the laws, rules, and practices by which the Warrenton Town Council operates. The Handbook includes excerpts from the Warrenton Town Charter and Code of the Town of Warrenton as well as the Code of the Commonwealth of Virginia, plus excerpts from the Handbook for Virginia Mayors & Council Members. Unless otherwise noted, the text of the Handbook is assumed to be Council established practices and procedures in addition to those established in law. The Handbook serves as a quick reference.

Sources are indicated as follows:

- Charter = Town Charter
- Code = Town Code
- RR = Robert's Rules of Order
- VML = Virginia Municipal League's Handbook for Mayors and Council Members
- VA Code = Code of Virginia

WARRENTON TOWN COUNCIL OATH OF OFFICE

"I do solemnly swear I will support the Constitution of the United States and the Constitution of the Commonwealth of Virginia and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a member of the Warrenton Town Council, for a term of four (4) years, according to the best of my ability, so help me God."



PART ONE

TOWN COUNCIL STRUCTURE AND FUNCTIONS

I. POWERS OF TOWN COUNCIL

Local Government powers are conferred on the elected Mayor and Town Council by the Commonwealth of Virginia and the people of Warrenton, Virginia. Powers are defined by the Charter of the Town of Warrenton, the Code of Virginia, and the Virginia Constitution. As interpreted by the Dillon Rule, localities are “tenants at will” of the state legislature and depend on the Virginia General Assembly for their operating authority.

TOWN CHARTER

Charter Sec. 2.1. - General grant of powers.

The Town of Warrenton shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation.

In addition to the general rights and powers conferred on “towns” by the Code of Virginia, the Council has several powers specifically enumerated in its Charter, including the ability to:

- Fill vacant Council seats. Charter Sec.3.5
- Appoint/remove the Town Manager, Town Attorney and Town Clerk*. Charter Sec. 6.1, 3.7 and 3.8
- Possess the power of Eminent Domain pursuant to Title 15.2 of the Code of Virginia. Charter 2.5
- Enact a Conflict of Interest Act. Charter 4.6

**The role of Town Recorder is currently appointed to the Town Manager for delegation of duties to the Town Clerk.*

II. MAYOR AND VICE MAYOR DUTIES The Mayor

The Mayor is elected every four years by the people of Warrenton. The Mayor shall preside over the meetings of the Council and shall have the same right to speak therein as Councilmembers, however he/she shall not have the right to vote except in the case of a tie, in which event he / she shall be entitled to cast one vote. The Mayor shall be recognized as the head of the Town for all ceremonial purposes, the purposes of military law and the service of civil process. The Mayor serves as the presiding officer at Town Council meetings and performs other duties consistent with the office. The Mayor is recognized as the official head of the Town for:

- Participation in public ceremonies.
- Recognition by the courts for serving civil process.
- Recognition for ceremonial and military purposes.
- Signing and delivering of required or authorized documents and instruments.

Charter Sec.5.2

The Vice Mayor

The Vice Mayor is chosen by a majority of Councilmembers present at the first meeting of the Council, every two years, to possess the powers of and perform the duties of the Mayor in the absence or disability of the Mayor.

III. FILLING MAYOR AND COUNCIL VACANCIES

The Charter addresses the filling of a Mayor or Council vacancy however in certain circumstances sections of the Code of Virginia may also apply. Legal counsel from the Town Attorney should be sought regarding this subject. Charter Sec. 3.5.

Charter Sec. 3.5. Vacancies on council.

Vacancies on the Council shall be filled for the unexpired portion of the term by a majority vote of the remaining members of the Council, if such vacancy shall occur two years or less before the date of expiration of such term. If the vacancy shall occur more than two years before the expiration of the term, the vacancy shall be filled by a majority vote of the remaining members of Council only until the next councilman election, at which election the qualified voters shall elect a person to serve as councilman for the remaining two years of the term. (1964, c. 47)

IV. COUNCIL-MANAGER GOVERNMENT

Originating in 1908 with Staunton, Virginia's provision by ordinance for the appointment of a

general manager, the Council-Manager plan has become the most widely accepted system of local government in the United States.

The plan is modeled after the American corporation, as opposed to the Mayor-Council plan which is modeled after the elected branches of government found in the U.S. Constitution.

In the Council-Manager plan, the governing body is composed of public-spirited citizens serving on a part-time basis to decide major policy issues, much in the same manner as the Board of Directors of a private corporation. The Mayor's role is to preside over Council meetings much like a Chairman of the Board. The Mayor and Councilmembers serve the interests of the citizens who elected them to office -- the stockholders of the corporation.

V. THE TOWN MANAGER'S ROLE IN TOWN GOVERNMENT

The Town Manager, who is a professionally trained public administrator charged with implementing the policies and directives of Town Council, is the Town's Chief Administrative Officer. The Town Manager has broad administrative authority with strict rules prohibiting political interference in administrative matters. Likewise, the Town Manager refrains from participating in partisan political activities which would impair professional administration.

Town Council delegates broad administrative power to the Town Manager subject to its continuing review. Qualifications, powers, and duties of the Town Manager are provided for in Article VI of the Charter. Delegated duties include the ability to:

- (a) To see that all laws and ordinances are enforced.;
- (b) To exercise supervision and control over all administrative departments and divisions.;
- (c) To attend all regular meetings of the Council, with the right to take part in the discussion, but having no vote.;
- (d) To recommend to the Council for adoption such measures as they may deem necessary or desirable.;
- (e) To execute all contracts on behalf of the Town.;
- (f) To prepare and submit to the Council the annual budget.;
- (g) To keep the Council advised as to the present and future needs of the Town and as to all operations of its government.;
- (h) To perform all such other duties as may be prescribed by the Charter or be required of him by the Council. (1964, c. 47).

staff are employees of the Town Manager. Thus, neither the Council nor any of its members should direct or request the appointment or removal of officers and employees in the administrative service of the Town.

Charter Article VI. The Manager

6-1. Appointment.

There shall be a Town Manager who shall be the chief executive officer of the Town and shall be responsible to the Council for the proper administration of the Town government. He shall be chosen by the Council without regard to his political beliefs and solely on the basis of his executive and administrative qualifications. He shall be appointed for an indefinite period and shall hold office during the pleasure of the Council. (1964, c. 47)

§ 6-2. Employees.

The Town Manager shall appoint for an indefinite term the heads of all departments and all other officers and employees of the Town. The Manager shall have the power to remove any officer or employee appointed by him. (1964, c. 47)

VI. COUNCIL/STAFF RELATIONSHIPS AND COMMUNICATIONS

Except for the purposes of inquiry and timely communication, the Council and its members should deal with that portion of administrative service for which the Manager is responsible through the Manager, and neither the Council nor any individual member should give orders or direction to any subordinate of the Manager, either publicly or privately. Any violation by a member of the Council should be brought to the immediate attention of the Council as a whole.

Information that would be difficult or time consuming to produce, however, or that relates to a current or future agenda item should be formally requested of the Town Manager, preferably during a Town Council meeting, rather than requested of an individual staff member. Work assignment and policy directions should come from the elected body as a whole and not from individual members. To avoid confusion and conflicting priorities, certain guidelines for Council/staff relationships must be followed. Councilmembers' initiatives generally fall into one of four categories:

CATEGORIES OF STAFF INITIATIVES FROM COUNCIL (Department Heads)

1. Requests for information readily available.
2. Follow-up for a constituent relative to a municipal problem or question.
3. Requests for information not readily available and requiring considerable staff time and research effort.
4. Initiation of a new priority or program.

Normally, Items 1 and 2 can be handled directly between the Town Councilmember and the department head. Items 3 and 4 should be channeled through the Town Manager. In the past, understanding and common sense have guided Council/staff relationships and difficulties have seldom developed.

If a Councilmember is less than satisfied with the channels of communication, he or she should approach the Town Manager who will work to improve the flow of information to and from key staff members.

VII. IMPLEMENTING THE WILL OF THE MAJORITY

Perhaps the most challenging aspect of Town Council/staff relationships arises when an issue lacks Council consensus. Once a vote is taken and the issue decided, however, Town Council speaks to the staff with a single voice. It is sometimes tempting for Councilmembers holding the minority view to pursue their viewpoint, first through staff and later with Council. Nevertheless, the Town staff must respond to the majority view, regardless of whether an individual Councilmember agrees, and regardless of whether or not the staff may agree. While staff may like to be responsive to each individual Councilmember, an impossible situation develops when staff is requested to accommodate a Councilmember apart from the Council-to-Manager-to-staff line of authority.

VIII. ROLE OF THE TOWN ATTORNEY

The Code of Virginia and the Town's Charter require that a Town Attorney be appointed.

Sec. 2-112. - Powers and duties generally.

The town attorney shall have the management, charge and control of all legal affairs of the town and shall be the legal adviser of the town council or any committee thereof, town officers and the several departments of the town government. When required by the mayor or town manager, he shall furnish written or verbal opinions upon any legal affairs of the town.
(Code 1981, § 2-23)

IX. ELECTRONIC COMMUNICATIONS

The widespread use of the electronic mail system (E-Mail) raises concerns over the appropriate communications among Councilmembers and between Council staff. All E-Mail communications among Councilmembers should be considered open to Freedom of Information Act inquiries. All E-Mail communications to and from staff members should be in accordance with established guidelines for staff inquiries.

As the custodian of record, the Town Clerk should be copied on all communications relating to town business. **DO WE NEED THIS?**

There are occasions when Councilmembers communicate among themselves electronically. These communications constitute public records under FOIA and are subject to release under FOIA. Communications marked “confidential” are not shared with the general public or any individual not privy to the confidential information. Merely marking a document “confidential,” however, does not guarantee exclusion from FOIA and the document may be considered a public record subject to release under FOIA.

At the start of a Town Councilmember’s term and at the request of the Town Councilmember, the Information Technology Department will provide an iPad for the member to use at home for the purpose of conducting business. In addition to the iPad, the Town will also establish an e-mail address at the Town and Internet access, if necessary.

X. COUNCIL REPRESENTATIVES ON VARIOUS COMMITTEES

The Town Council is represented on a number of committees and groups. These include ad hoc Town committees, VML policy committees, intergovernmental bodies, and various organizations in the community. Such representation is distinct from formal appointments to Boards and Commissions as provided in Part Four of this Handbook.

Representation originates in two main ways. Outside groups often invite the Council to participate in their activities. Alternatively, the Council as a whole, deeming its participation to be important, decides to send a representative to the committee or group.

See Part Four of this document for a current listing of Council representatives on committees.

XI. CONFLICT OF INTEREST RULES

To ensure citizens that the judgment of public officers and employees is not compromised or affected by inappropriate conflicts, the General Assembly adopted the Virginia State and Local Government Conflict of Interest Act. Violation is a criminal offense. To keep standards of conduct uniform throughout the Commonwealth, no local government may regulate conflict of interest more strictly than the Virginia Code. The law requires all Councilmembers to:

- Disclose financial interests when appropriate.
- Refrain from contracting for business with the local government.
- Abstain from voting on items of personal interest that apply solely to the Councilmember or that prevent impartial voting.
- Not engage in unethical conduct, such as accepting anything of value or disclosing confidential information.

The Town Attorney and the local Commonwealth's Attorney are the proper persons to turn to for competent legal advice concerning conflict of interest questions. As a member of a local governing body, Councilmembers are entitled by statute to obtain a formal opinion from the local Commonwealth's Attorney. A Councilmember cannot be prosecuted for violating the Act if he acts based on a written opinion of the Commonwealth's Attorney (assuming full disclosure of all the relevant facts). VML. Provisions of Virginia's Conflict of Interest Act concerning financial disclosure apply to councilmembers of all cities and towns with populations greater than 3,500.

XII. STATEMENTS OF ECONOMIC INTERESTS AND DISCLOSURE OF REAL ESTATE HOLDINGS

Generally, in January of each year, the Town Clerk will supply a Statement of Economic Interests to members of Council. A Disclosure of Real Estate Holdings is provided to the Town Manager and members of boards and commissions as required by State Code. The required forms must be filed by February 1, respectively.

XIII. CAMPAIGN FINANCIAL DISCLOSURE ACT

The Warrenton Town Council adopted the provisions of Chapter 9.3, Campaign Disclosure Act of 2006, Title 24.2, Elections, of the Code of Virginia, making the act apply with necessary changes to all elections for Town offices in the Town and to participants therein. (Warrenton Town Code, Chapter 2 (Administration), Section 2.23 (Campaign Financial Disclosure Act))

Code Sec. 2-23 - Campaign Finance Disclosure Act.

Code of Virginia, Chapter 9.3, Campaign Finance Disclosure Act of 2006, of title 24.2, Elections, as amended, shall be applicable to elections for town offices in the town pursuant to Code of Virginia, § 24.2-945, as amended.

(Ord. No. 2014-04, 12-9-14)

XIV. CODE OF ETHICS

The Town Council has adopted for itself the Code of Ethics. To the extent the Town's Code of Ethics conflicts with Virginia Law (e.g. Virginia State and Local Government Conflict of Interest Act, Virginia Freedom of Information Act), State Law shall prevail. The Town of Warrenton Code of Ethics follows:

TOWN OF WARRENTON CODE OF ETHICS

The Town Council adopted the attached Code of Ethics at its meeting on August 9, 2016. The Code addresses how members will conduct themselves in an ethical manner to earn and maintain the public's full confidence for integrity.

The Code of Ethics is adopted for execution by each elected or appointed member of a Town public body, including the Mayor and Town Council Members, the Planning Commission, Board of Zoning Appeals and Architectural Review Board.

Preamble

The citizens and businesses of Town of Warrenton, Virginia, are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the Town of Warrenton's Commitment to Excellence, the effective functioning of democratic government therefore requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Town of Warrenton Town Council has adopted this Code of Ethics for members of the Council and of the Town's boards, commissions and committees to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the Town of Warrenton and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Town of Warrenton Town Council, boards, commissions, and committees.

2. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Town Council, boards, commissions, and committees, the staff or public.

3. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the Town Council and boards, committees, and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Town Council by Town staff.

4. Conduct of Public Meetings

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

5. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

6. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Town Council or boards, committees and commissions, which they may have received from sources outside of the public decision-making process.

7. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship that may give the appearance of a conflict of interest.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

8. Gifts and Favors

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

9. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

10. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as Town staff time, equipment, supplies or facilities, for private gain or personal purposes.

11. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of the Council shall not appear on behalf of the private interests of third parties before the Town Council or any board, committee, commission or proceeding of the Town, nor shall members of boards, committees or commissions appear before their own bodies or before the Town Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

12. Advocacy

Members shall represent the official policies or positions of the Town Council, boards, commissions or committees to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Warrenton, nor will they allow the inference that they do.

13. Policy Role of Members

The Town Council determines the policies of the Town with the advice, information and analysis provided by the public, boards, commissions, and committees, and Town staff. The Town Council delegates authority for the administration of the Town to the Town Manager.

Members therefore shall not interfere with the administrative functions of the Town or the professional duties of Town staff; nor shall they impair the ability of staff to implement Council policy decisions.

In order to prioritize staff time, members shall not cause Town staff to spend more than one hour of time on any project without the specific approval of all Councilmembers in a majority vote in an open meeting, unless such time is the result of a closed session discussion involving duly authorized projects such as work on litigation, the sale or purchase of real property, etc. Any project requiring more than one hour by staff shall be brought to the attention of the Town Manager and Mayor who shall place the project for discussion upon the next Town Council meeting's agenda.

14. Independence of Board and Commissions

Because of the value of the independent advice of boards, committees and commissions to the public decision-making process, members of the Town Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee or commission proceedings.

15. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. Members shall recognize their special role in dealings with Town employees and in no way create the perception of inappropriate direction to staff.

16. Implementation

As an expression of the standards of conduct for members expected by the Town, the Town of Warrenton Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for the Town Council, applicants to boards, committees and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Town of Warrenton Code of Ethics. In addition, the Town Council, boards, committees and commissions, shall annually review the Code of Ethics and the Town Council shall consider recommendations from boards, committees and commissions to update it as necessary.

17. Compliance and Enforcement

The Town of Warrenton Code of Ethics expresses standards of ethical conduct expected of members of the Town Council, boards, committees and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention.

The Town Council may impose sanctions on members whose conduct does not comply with the Town's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Where allowed by law, the Town Council also may remove members of Town-appointed boards, committees and commissions from office.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Town Council, board, and committee or commission decision.

PART TWO

I. TOWN COUNCIL MEETINGS

The Warrenton Town Council meets for regular meetings in the Council Chambers at 21 Main Street, Warrenton, Virginia at 6:30 p.m. on the second Tuesday of each month. The Town Council may by resolution prescribe any public place or prescribe a day or time other than those established in this section, for a regular meeting of the Town Council.

Special meetings may be called at any time by the Mayor, the Town Manager, or any four members of the Council, and shall prescribe the method of giving notice thereof, provided such notice shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meetings except by the unanimous consent of all the members of Council; provided, however, that a special meeting may be held at any time without notice if all members of the Council attend said meeting or waive notice thereof. (1964, c. 47)

If the day established for a regular meeting falls on a legal holiday, that meeting shall be held on the next duty day at 6:30 p.m. in the Council Chambers Building.

- Public Hearings as required by law or Council policy. Public hearings may cover subjects such as proposed budgets, proposed Comprehensive Plan amendments, rezoning and special exceptions.
- Reports and Recommendations from Town Manager, Town Attorney and departments.
- Ordinances and Resolutions which are legal instruments whereby Council establishes public policy either in the form of local laws (ordinances) or formal statements of fact and intent (resolutions).

II. OPEN MEETING LAW

The Virginia Freedom of Information Act (FOIA), generally requires that all meetings of the Council as well as most other public bodies, such as Planning Commissions, Boards of Zoning Appeals, School Boards, Redevelopment and Housing Authorities, be open to the public. It is important to note that committees appointed by Council or any other public body subject to the FOIA must also be open to the public. Therefore, all committees appointed by Council, whether composed of selected members of Council or of non-council persons or a mixture, and regardless of number are subject to the FOIA's public meeting requirement. Section 2.2-3702. of the Act states that public officials shall read and familiarize themselves with the provisions of the Virginia Freedom of Information Act.

The FOIA provides that in order to constitute a "meeting" a quorum must be present. Therefore, FOIA applies to regular meetings as well as gatherings of three or more Councilmembers **where Town business is discussed**. Likewise, FOIA also applies to regular meetings as well as gatherings of members of any committee or subcommittee appointed by or from Council where the business of such committee or subcommittee is discussed and

where a quorum of such committee or subcommittee is present. Except in the case of a committee or subcommittee consisting of at least four members (where a quorum would be three members), a meeting or gathering of two or more committee or subcommittee members at which the business of such committee or subcommittee is discussed constitutes a meeting covered by FOIA.

FOIA requires that Council and committees and subcommittees appointed by Council give advance written notice of every meeting to every citizen, including news media, who has requested to receive such notice. Council may require that the requests for notice be renewed annually. In addition, copies of agendas and materials distributed to Council must be simultaneously made available for public inspection. Unless exempted by the FOIA, all materials must be made available to the public. The Town Clerk typically handles the notice requirement to media for Council.

Information packets are posted electronically one week before the council meeting to Councilmembers and are made available to the public and press. Minutes must be kept of all meetings of Council, including work sessions and informal meetings at which no official action is taken. Votes are recorded in the minutes of the meeting. Secret ballots are prohibited by the Code of Virginia.

III. CLOSED MEETINGS

Meetings of the Council shall be open to the public except when the public welfare requires Closed Meetings. A Town Council or committee may go into Closed Meeting and exclude the public for certain stated reasons. More than 20 items are exempted from the Freedom of Information Act and may be discussed in a closed meeting. Closed Meeting issues typically involve:

- Personnel VA Code § 2.2-3711.1
- Property VA Code § 2.2-3711.3
- Legal briefings VA Code § 2.2-3711.7

The procedure for convening a Closed Meeting is as follows:

- (1) While in public session, a majority of Councilmembers must approve a motion to go into Closed Meeting. The motion must include the reason and a citation of the specific code section containing the FOIA exemption allowing the Closed Meeting. Exclusions are located in Section 2.2-3705.1 of the Virginia Code.
- (2) While in the Closed Meeting, Councilmembers may discuss only the subject mentioned in the motion.
- (3) Certify by recorded vote, after Council completes the Closed Meeting and returns to public session, that all the discussion in closed meeting was appropriate under the law. (See Code of Virginia text below.)

Code of Virginia Section 2.2-3712

“Now, therefore, be it resolved that the Town Council of Warrenton hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Town Council of Warrenton.”

IV. SETTING THE MEETING AGENDA

All meeting agenda items which require formal Council action are placed on the agenda for consideration. The agendas for meetings are finalized and taken public approximately one week prior to the meeting. If an item involves a legal matter, it should be submitted in sufficient time to allow a review by the Town Attorney.

Councilmembers should forward requests for agenda items to the Town Manager and the Mayor at least three weeks prior to a work session. Department directors submit agenda items to the Town Manager to be included at the Manager’s discretion on the agenda depending on the topic and its importance. The Town Clerk is responsible for preparing and distributing the agenda. (See samples of information and guidelines sheet and agendas.)

WELCOME TO THE TOWN COUNCIL MEETING INFORMATION & GUIDELINES FOR PARTICIPATION

Thank you for taking the time to participate in your Town Council meeting. The Mayor and Council encourage participation whenever possible to make your voice heard.

Types of Agenda Items

Citizen's Time: Individuals may address the Council on any matter not listed on the agenda as a public hearing. This is your time to address your Council and share what's important to you. Each speaker has up to three minutes to address Council. When called to the podium, speakers should state their name and address for the record. Copies of written statements and supporting materials should be given to the Town Clerk for the record. The Mayor will establish the order of speakers and will maintain decorum. Citizen's Time is not designed as a question and answer session or a debate.

Work Sessions: Informal, informational meetings at which Council may discuss specific topics or receive an in-depth presentation from staff or an outside party on a particular topic. Generally, a Work Session aims to inform Council on a topic and for Councilmembers to give staff or others general direction.

Public Hearings: Formal proceedings held to hear from the public on a specific topic. All public hearings are advertised prior to the scheduled hearings, and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearings. Applicants, or representatives of the applicant, will be allowed to introduce information regarding the matter advertised for public hearing. Public hearings are intended to enable citizens to influence the public decision process based on prior research and discussions with appropriate public officials and to address only those issues pertinent to the matters advertised for public hearing. Public hearings are not question and answer sessions or debates, and all statements should be addressed to the Town Council.

Closed Sessions: In certain instances, the Virginia Freedom of Information Act permits the Town Council to hold a meeting where the public is excluded. Any action taken during a closed meeting must be ratified by a vote in a public session of Council.

Special Meetings: The Mayor or any four members of the Council may call a meeting or change the time of a meeting at any time once notice is given to all Councilmembers and the press. No business other than that for which the meeting is called may be transacted unless all members are present, in which case a majority vote of the Council may change this provision.

Consent Agenda: The consent agenda is used for eligible items and may include routine appropriations, grant applications, reports, contracts, resolutions, ordinances, second readings, and the minutes.

Rules of Decorum: Signs, placards, posters, or like material are not permitted in the Town Council Chamber, adjoining areas, or offices. Remain seated during the meeting unless called upon to stand for recognition as a speaker, official duties, physical necessity, or to enter or leave the meeting. The use of profane, vulgar, obscene, or threatening speech is not permitted and can result in removal from the meeting. Turn off or deactivate the sound from all cell phones or other electronic devices.

Persons with disabilities may request reasonable accommodations by contacting

(540)-347-1101. Persons are encouraged to make requests in advance.



TOWN COUNCIL REGULAR MEETING

21 Main Street

Wednesday, March 15, 2023 at 9:00 AM

AGENDA

Possible additions to the agenda and related materials are not set forth herein.

Times set forth are approximate and may be adjusted as necessary.

I. WORKSESSION - 9:00 AM

- A. **Work Sessions:** Informal, informational meetings at which Council may discuss specific topics or receive an in-depth presentation from staff or an outside party on a particular topic. Generally, a Work Session aims to inform Council on a topic and for Councilmembers to give staff or others general direction.
- B. **Closed Sessions:** In certain instances, the Virginia Freedom of Information Act permits the Town Council to hold a meeting where the public is excluded. Any action taken during a closed meeting must be ratified by a vote in a public session of Council.
- C. **New Business:** New topics being brought to Council that require action and further discussion. Items may be brought forth from the work session or from previous discussions with Council.

II. REGULAR MEETING - 6:30 PM

A. INVOCATION.

B. PLEDGE OF ALLEGIANCE.

C. CITIZEN'S TIME.

- 1. **Citizen's Time:** Individuals may address the Council on any matter not listed on the agenda as a public hearing. This is Their time to address the Council and share what's important to them. Each speaker has up to three minutes to address Council. When called to the podium, speakers should state their name and address for the record. Copies of written statements and supporting materials should be given to the Town Clerk for the record. The Mayor will establish the order of speakers and will maintain decorum. Citizen's Time is not designed as a question and answer session or a debate.

D. PROCLAMATIONS AND RECOGNITIONS.

E. APPROVAL OF THE AGENDA.

F. PUBLIC HEARINGS.

- 2. **Public Hearings:** Formal proceedings held to hear from the public on a specific topic.

All public hearings are advertised prior to the scheduled hearings, and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearings. Applicants, or representatives of the applicant, will be allowed to introduce information regarding the matter advertised for public hearing. Public hearings are intended to enable citizens to influence the public decision process based on prior research and discussions with appropriate public officials and to address only those issues pertinent to the matters advertised for public hearing. Public hearings are not question and answer sessions or debates, and all statements should be addressed to the Town Council.

G. CONSENT AGENDA.

1. **Consent Agenda:** The consent agenda is used for eligible items and may include routine appropriations, grant applications, reports, contracts, resolutions, ordinances, second readings, and the minutes. The consent agenda is designed for non contentious topics that do not require discussion for approval. If an item is on the Consent Agenda that Council wishes to discuss, a motion may be made to amend the agenda to move it to a more appropriate area for discussion.
1. APPROVAL OF COUNCIL MINUTES.
 2. **Minutes:** Minutes are the written record of the proceedings of the Town Council. They are provided for review in the Town Council packet. Once voted on, they act as the official record of business for the Town Council.
3. QUARTERLY DEPARTMENT REPORTS.
 - a. Quarterly Finance Department Report
 - b. Quarterly Parks and Recreation Department Report
 - c. Quarterly Police Department Report.
 - d. Quarterly Community Development Report
 - e. Quarterly Public Works and Utilities Department Report

D. NEW BUSINESS.

E. UNFINISHED BUSINESS.

1. **Unfinished Business:** Topics that the Council has been briefed on that require action or update and are open again for discussion at the meeting.

F. TOWN ATTORNEY'S REPORT.

1. **Town Attorney's Report:** A report given by the Town Attorney updating the Council on legal matters, court proceedings, and general topics of work that the Town Attorney is currently engaged with.

G. TOWN MANAGER'S REPORT.

1. **Town Managers Report:** An opportunity to provide an update to the Town Council from the Town manager. Updates may include upcoming topics for meetings, upcoming events, employee highlights, or challenges that may be faced by Council in the future.

H. COUNCILMEMBERS TIME.

1. **Council Members time:** This is the Council Member's opportunity to speak and address those gathered at the meeting. This is not designed as a response to Citizen's time and the comments made then. This is a chance to update the Citizens on your views, happenings in your Ward or around Town, and tell the Citizens what is important to each Council Member.

I. ADJOURNMENT.

V. MAYOR AS PRESIDING OFFICER

The Mayor presides at every meeting of the Council and at the hour appointed, calls the Council to order, provided a quorum is present. The Mayor signs various ordinances and resolutions on behalf of the Council. All legislative actions are certified by the Town Recorder.

The Mayor preserves order and, with the assistance of the Town Attorney and Town Clerk, speaks to and decides all points of order. The Mayor has control of the Council Chamber and the connecting halls and corridors. In case of a disturbance or disorderly conduct, the Mayor may order the same to be cleared.

The Vice Mayor presides in the Mayor's absence. Warrenton Town Code Section 2.36.

VI. ORDER OF BUSINESS

1. Call to Order
2. Invocation
3. Pledge of Allegiance to the United States of America
4. Citizen Comments
5. Proclamations and Recognitions
6. Approval of the Agenda
7. Public Hearings
8. Consent Agenda
9. New Business
10. Unfinished Business
11. Town Attorney's report
12. Town Manager's report
13. Council Member's time
14. Adjournment

VII. PUBLIC PARTICIPATION IN COUNCIL MEETINGS

The public is invited to speak on all public hearing items. The public is also permitted to speak on any topic not listed as a public hearing item during the "Citizens Time" portion of the meeting. The Chair will recognize all speakers, who shall state their name and address for the record; have up to three minutes to address council; and may only address Council once on each topic unless called back by the Chair at the request of Council.

Citizen's Time: Individuals may address the Council on any matter not listed on the agenda as a public hearing. This is Their time to address the Council and share what's important to them. Each speaker has up to three minutes to address Council. When called to the podium, speakers should state their name and address for the record. Copies of written statements and supporting materials should be given to the Town Clerk for the record. The Mayor will establish the order of speakers and will maintain decorum. Citizen's Time is not designed as a question and answer session or a debate.

Public Hearings: Formal proceedings held to hear from the public on a specific topic. All public hearings are advertised prior to the scheduled hearings, and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearings. Applicants, or representatives of the applicant, will be allowed to introduce information regarding the matter advertised for public hearing. Public hearings are intended to enable citizens to influence the public decision process based on prior research and discussions with appropriate public officials and to address only those issues pertinent to the matters advertised for public hearing. Public hearings are not question and answer sessions or debates, and all statements should be addressed to the Town Council.

VIII. ORDINANCES AND RESOLUTIONS

A copy of each ordinance or resolution is included in the Warrenton Town Council agendas.

No ordinance can be passed, or resolution adopted that appropriates money, levies taxes and licenses without a two- thirds vote of Council Members. Virginia State Code § 15.2-1427.

NEED CITATION

IX. ELECTRONIC PARTICIPATION

Electronic participation in meetings is governed by Virginia State Code § 2.2-3708.3. A Resolution was passed at a special meeting on November 7th, 2022 updating the policy.

Town Policy – Remote electronic participation in meetings.

It is the policy of the Town Council of the Town of Warrenton that individual Town Council Members may participate in meetings of the Town Council by electronic means as permitted by Virginia State Code § 2.2-3708.3. This policy shall apply 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 on at the meeting.

Whenever an individual member wishes to participate from a remote location, the law requires a quorum of the Town Council to be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The reason that the member is unable to attend the meeting and the remote location from which the member participates must be recorded in the meeting minutes.

Automatic Approval with Vote if Challenged

Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act. If a member's participation from a remote location is challenged, the Town Council of the Town of Warrenton shall vote whether to allow such participation. If the Town Council of the Town of Warrenton votes to disapprove of the member's participation because such participation.

X. ORGANIZATIONAL MEETINGS

The biennial organizational meeting of the Council is traditionally at the first regular meeting in January every other year. The first order of business is for Council to consider a resolution adopting the schedule of meetings for the Town Council and to consider a resolution electing a vice mayor for the electing term.

XI. RULES OF CONDUCT DURING COUNCIL MEETINGS

Robert's Rules of Order is the classic statement of present-day parliamentary procedure. Familiarity with and use of Robert's Rules provides the means whereby the affairs of the Council can be controlled by the general will of the members. Council meetings can proceed in a controlled and predictable manner, allowing the business of the citizens of Warrenton to be handled in a direct, constructive and democratic manner. The following rules of conduct are adapted from the pages of Henry M. Robert's time-honored book and merit the Council's special attention.

PROCEDURES FOR SMALL BOARDS

Since the Town Council is relatively small compared with other organizations using Robert's Rules, some of the procedural formality can be dispensed with. The following Procedures for Small Boards from Robert's Rules is modified for use by the Warrenton Town Council. Modifications to Robert's Rules for Small Boards are noted in italics.

- While members are required to obtain the floor before making motions or speaking, they may do so while seated. (Text normally reads that members are not required to obtain the floor beforehand.)
- Motions must be seconded. (Text normally reads, "Motions need not be seconded.")
- No limit is placed on the number of times a member may speak to a question. However, motions to close or limit debate may be entertained. (Text normally reads that such motions "should not be entertained.")
- Informal discussion of a subject is permitted while no motion is pending. It is normally expected, however, that discussion will follow a motion on the floor.
- Sometimes when a proposal is perfectly clear to all present, a vote can be taken without a motion having been introduced. Unless agreed to by general consent, however, all proposed actions of a board must be approved by vote under the same rules as other assemblies, except that a vote can be taken initially by a show of hands. Normally, the ayes and nays on any question must be recorded. Code Sec. 2-29.
- The chairman can speak in discussion without rising or leaving the chair, can make motions, and votes on all questions.

MEMBER CONDUCT

Every member who wishes to speak must first respectfully address the Mayor / Chair, and not proceed until recognized by the Mayor / Chair. They will confine themselves to the immediately pending question and avoid mentioning all personalities. No member shall address the Chair out of his place, nor interrupt another without the consent of the member who has the floor, except when making a point of order.

The member upon whose motion is subject to debate is first entitled to the floor and is entitled to close debate after each member who wishes to speak has been allowed to do so.

COUNCIL VOTING

In most instances, the affirmative vote of a majority of the members elected to Council present at a regular or special meeting at which a quorum is present and voting shall be necessary to adopt any ordinance, resolution, or pass other matters presented to the Council. Four members constitute a quorum. However, some ordinances and resolutions appropriating money, imposing taxes or authorizing the borrowing of money shall only pass by a recorded affirmative vote of a majority of all Councilmembers. In some cases, as prescribed by Code, a super majority of all Councilmembers may be required. Every member present at a Council meeting when a question is put shall give his vote, unless excused by the Chair. All votes are recorded in the minutes of the meeting. Secret ballots are prohibited.

After a vote is announced, no member shall change his vote without the consent of the Council. The right to change a vote shall be limited to the current meeting and not continue for any subsequent.

KEY PASSAGES FROM ROBERTS RULES

Several key passages are included to help familiarize Councilmembers with Robert's Rules. The Town Clerk and Town Attorney serve as the parliamentarian of the Council, and should be consulted on the proper application of Robert's Rules and applicable laws.

Obtaining the Floor (RR § 3). Before a member can make a motion, or address the Council in debate, it is necessary that he/she should obtain the floor -- that is, he/she must address the presiding officer by official title, thus, "Madame Mayor, Mayor or Mayor Smith." If the member is entitled to the floor, the chair recognizes them by name.

Main Motions (RR § 4). A motion is made by a member obtaining the floor and saying, "I move that," and then stating the proposed action. Typically, no member can make two motions at a time except by general consent. Main motions, which introduce business, take precedent over nothing. That is, they cannot be made when another question is before the assembly. Privileged, incidental, and subsidiary motions may be made while a main motion is pending.

That the motion be stated by the chair for the benefit of the Council and audience. The fact that a motion has been made does not put it before the Council. The chair alone can put a motion before the Council. The chair must either rule the motion out of order or state the question so that all may know the immediately pending question.

Debate (RR § 7). After a question has been stated, it is before the Council for consideration and action. All but a few motions are subject to debate. Debate must be limited to the merits of the immediately pending question -- that is the last question stated by the Chair. Speakers must address their remarks to the Chair, be courteous in their language, avoid all personalities, and never allude to the motives of members.

Amendments (RR § 33). Amendments may be made on all motions except those listed by Robert's Rules.

The motion to amend is made in a form similar to this: "I move to amend the resolution by inserting (or striking or substituting) the word 'very' before the word 'good';" or simply "I move to insert (or strike or substitute) 'very' before 'good'."

An amendment can be amended itself, but this "amendment to an amendment" cannot be amended. In other words, an amendment of the third degree would be too complicated and is not in order.

An amendment of a pending question requires only a majority vote for its adoption, even though the question to be amended requires higher threshold (ex., two-thirds or unanimous vote).

Robert's Rules lists a number of improper amendments in Section 33, including ones that are not germane to the question being amended, or are identical to questions previously decided.

Reconsideration of a motion (RR § 36). A motion to reconsider a previous vote must be made by one who voted with the prevailing side. Normally, a reconsideration motion can only be made on the day that the original vote was taken, or on the day of the next succeeding Council meeting. The motion to reconsider cannot interrupt pending business. However, as soon as the pending item is disposed of, it can be called up with preference over other main motions and general orders.

Rescind, Repeal, or Annul (RR § 37). Any vote taken by the Council, except those listed by Robert's Rules, may be rescinded by a majority vote, provided notice has been given at the previous meeting or in the call for this meeting. When no notice is given, a two-thirds vote or majority vote of the elected Council is required.

The motion to rescind can be applied to votes on all main motions. It is itself a main motion without any privilege, and therefore can only be introduced when there is nothing else before the assembly. It may be made by any member, and is debatable.

Among the votes that Robert's Rules specifies cannot be rescinded are ones that occur:

- After something has been done as a result of that vote that the Council cannot undo; or,
- Where it is in the nature of a contract and the other party is informed of the fact; or,
- Where a resignation has been acted upon.

Quick Reference					
	Must Be Seconded	Open for Discussion	Can be Amended	Vote Count Required to Pass	May Be Reconsidered or Rescinded
Main Motion	✓	✓	✓	Majority	✓
Amend Motion	✓	✓		Majority	✓
Limit Debate	✓		✓	2/3rds	✓
Close Discussion	✓			2/3rds	✓
Recess	✓		✓	Majority	
Adjourn (End meeting)	✓			Majority	
Refer to Committee	✓	✓	✓	Majority	✓
Postpone to a later time	✓	✓	✓	Majority	✓
Table	✓			Majority	
Postpone Indefinitely	✓	✓	✓	Majority	✓

PART THREE

TOWN COUNCIL POLICY MAKING PROCESS

I. BIENNIAL GOAL SETTINGS POLICY AND PROCEDURES

The Town recognizes the importance of setting specific goals. Goals provide both a means of sorting out priorities, and a standard against which to measure effectiveness. More than any other determinant, stated goals drive the budget. Goal setting is an integral part of the budget process.

The chart included in this section outlining the two-year election cycle fits well with a biennial goal setting cycle.

WARRENTON TOWN COUNCIL

2035 VISION STRATEGIC

PLAN

In the year 2035, Warrenton is an innovative town where history and heritage are respected and where people and their involvement matter. Warrenton's inclusiveness and sense of community foster empowerment in each resident. Its unique character and charm attract and nurture a wide variety of people and businesses. Warrenton is the heart of an expanded community where arts and entertainment enrich the quality of life and bring people together. Our environmental stewardship assures Warrenton's future as a healthy and sustainable town.

*Warrenton thrives in 2035
by:*

Honoring People

Celebrating Community Spirit

Enriching Lives through Arts and Entertainment

Championing Business and Technology

Cultivating a Sustainable Environment

PART FOUR

I. APPOINTMENTS

Current as of January 2023

Board or Committee	Name	Residency	Term Expiration
Architectural Review Board			
Four Year Term			
* may or May not be a Town resident			
	Steve Wojcik	Town resident	12/31/2025
	Laura Bartee	Architect*	12/31/2025
	Virginia Gerrish	Town resident	12/31/2025
	Karen		
	Lavarnway	Town resident	12/31/2025
	John Thorsen	Town resident	
 BOARD OF ZONING APPEALS			
Five Year Term			
	Amos Crosgrave	Town resident	12/31/2026
	Larry Kovalik	Town resident	12/31/2026
	Melea Maybach	Town resident	12/31/2026
	Betsy Sullivan	Town resident	12/31/2026
	Vacant		
 Planning Commission			
Four Year Term			
	Terry Lasher	Town Resident	
	Diane Barbour		
	James Lawrence		
	Ryan Stewart		
	Steve Ainsworth		
	Vacant		
	Vacant		