

A RESOLUTION NO. 11-1

Providing for City Council Rules of Procedure.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. That Sections 1 through 22, Rules of Procedure for City Council, be, and are hereby, adopted as follows. For the purposes of this resolution, the word "he" when used herein represents both masculine and feminine unless otherwise specifically stated.

Section 1. Organizational Meeting and Induction of Members.

(a) Time, Place, and Procedure. The Organizational Meeting of Council shall take place in the Council Chambers in City Hall in the evening on January 3, 2011. Robert's Rules of Order, Newly Revised (10<sup>th</sup> Edition), shall govern the deliberations of Council, except when in conflict with the rules provided herein. The City Attorney shall serve as Parliamentarian.

(b) The City Clerk - Call to Order and Oath of Office. The meeting shall be called to order by the City Clerk, who shall administer the following oath of office to the duly elected members: "I do solemnly swear (or affirm) that 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 on me as City Councilman according to the best of my ability (so help me God)." In the absence of the City Clerk the meeting may be called to order and the oath administered by any judicial officer having jurisdiction in the City.

(c) First Business of New Council and Adjournment. The first business of the City Council shall be the election of a Mayor and Vice Mayor and the adoption of Rules of Procedure. Until this business has been completed the Council shall not adjourn for a period longer than forty-eight (48) hours.

Section 2. The Mayor and Vice Mayor - Election and Duties.

The Council, having taken the oath of office as hereinabove provided, shall proceed to choose by majority vote of all the members thereof one of their number to be Mayor and one to be Vice Mayor for the ensuing two (2) years. After the nominations for each office have been completed, a roll call election shall be held for that office. The Mayor shall assume the duties of his office immediately after his election. The Mayor shall preside over the meetings of Council and shall have the same right to vote and speak therein in all proceedings as other members. He shall have no right to veto. The Mayor shall be recognized as the head of the City government for all ceremonial purposes, the purposes of military law, and the service of civil process. The Vice

Mayor shall perform, in the absence or disability of the Mayor, the duties of the Mayor. The Mayor shall preserve order and decorum at all meetings of the Council. He shall state every question coming before the Council and announce the decision of the Council.

Section 3. Regular Meetings.

(a) The City Council shall hold regular meetings on the second Tuesday of each month at seven o'clock in the evening (7:00 P.M.); provided, however, that when a day fixed for any regular meeting of the Council falls upon a legal holiday, or other circumstances merit changing the meeting date, such meeting shall be held at the same hour on the first available day thereafter, upon agreement by a majority of Council.

(b) All regular meetings of the Council shall be held in the Council Chambers of City Hall, located in the City at 201 James Avenue, or at such other public location within the Commonwealth as agreed upon by a majority of Council, provided that at least three days' notice is given to the public of such a change of meeting place. All reports, resolutions, ordinances, contract documents, or other matters submitted to the Council shall, no later than 5:00 P.M. of the last Wednesday prior to each regular Council meeting, be delivered to the City Clerk, whereupon the City Clerk shall immediately arrange an agenda according to the Order of Business and furnish each member of the Council, the City Manager, and the City Attorney with a copy of the documents as far as possible in advance of the meeting. In order for any ordinance or resolution to be acted upon at any regular meeting, a copy must be so furnished by the Clerk; or it must be placed on the agenda by not less than two-thirds of all of the members of Council in the case of an emergency ordinance, or by the unanimous consent of all of the members of Council in the case of other ordinances and resolutions.

Section 4. Special Meetings.

Special meetings of the City Council may be held when called by the Mayor, City Manager or any two members of the Council, upon twelve (12) hours' notice to all members not joining the call. Such call shall be in writing, signed, and presented to the City Clerk, who shall proceed immediately to prepare written notices of the special meeting and cause the notice to be served upon each member of the Council not joining in the call by delivery of a copy thereof to him personally or by reading it to him, over the telephone or in his presence. Should the City Clerk, upon exercising reasonable diligence, not be able to promptly accomplish such service of notice service may be accomplished by delivery of the notice to any person found at the Council member's usual place of abode or by posting the copy of such notice on the front door of the abode. The notices of each special meeting shall state the date and hour of the meeting, shall contain a statement of the specific item or items of business to be transacted, and shall be

accompanied by a copy of any ordinance or resolution to be acted upon. No other business shall be transacted at the special meeting except by unanimous consent of all the members of Council. Only ordinances or resolutions which accompany the notice, or which are placed on the agenda by the unanimous consent of all of the members of Council, shall be acted upon.

Section 5. Closed Meeting.

A majority of the members of the Council may by a recorded vote hold a closed meeting in compliance with the Virginia Freedom of Information Act. Upon the conclusion of a closed meeting, each member of Council shall certify that, to the best of the member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Act and identified in the motion pursuant to which the closed meeting was convened were heard, discussed or considered. An opportunity shall be given any member who does not intend to so certify to state for the minutes his reasons, after which a roll call vote shall be taken. An affirmative vote shall constitute certification of compliance.

Section 6. Quorum and Voting.

A majority of all the members of the Council shall constitute a quorum to do business, but a smaller number may adjourn from time to time. Unless otherwise provided by law, Council shall act only by the affirmative vote of a majority of all the members elected to the City Council.

Section 7. Roll Call.

Before proceeding with the business of the Council, the City Clerk shall call the roll of the members, the City Manager and the City Attorney; and the names of those present shall be entered in the minutes.

The roll for the purposes of ascertaining attendance and voting shall be arranged alphabetically with the exception of the Mayor (or other presiding officer if the Mayor cannot preside), whose name in all events shall be called last among Council members.

Section 8. Order of Business.

All meetings of the Council, except closed meetings, shall be open to the public. At seven o'clock in the evening (7:00 p.m.), or as soon thereafter as possible, on the day of each regular meeting, the members of Council, the City Clerk, the City Manager, and the City Attorney shall take their regular stations in the Council Chambers; and the business of the Council shall be taken up for consideration and disposition in the following order:

1. Call to Order.
2. Roll Call.
3. Devotion.

4. Pledge of Allegiance.
5. Adoption of Agenda.
6. Commendations and Presentations.
7. Consideration of Uncontested Minutes, Ordinances, Resolutions, and Motions in Accordance with the Consent Agenda.
8. Reading by City Attorney or other Official of Section 13 of these rules.
9. Advertised Public Hearings.
10. Written Petitions and Communications.
11. Hearing of Citizens Generally on Non-Agenda Issues.
12. Introduction and Consideration of Ordinances and Resolutions.
13. Unfinished Business, Contested Ordinances and Resolutions, and Items Removed from the Consent Agenda.
14. Reports of Officers and Documents Related Thereto.
15. Consideration of Claims.
16. Adjournment.

#### Section 9. Priority of Business.

All questions relating to the priority of business shall be decided by the Mayor<sup>1</sup>, after Council members have had a reasonable opportunity to debate the questions.

#### Section 10. Rules of Debate.

(a) Mayor May Debate and Vote, etc. The Mayor may move, second, and debate from the Chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges of a Councilman by reason of his acting as the Mayor.

(b) Getting the Floor - Improper References to be Avoided. Every member desiring to speak shall address the Mayor; and upon recognition by the Mayor, shall confine himself to the question under debate, avoiding all inflammatory, rude, or indecorous language.

(c) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it is to call him to order, or as herein otherwise provided. If a member, while speaking, is called to order, he shall cease speaking until the question of order is determined; and if in order, he shall be permitted to proceed.

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<sup>1</sup> Whenever these Rules of Procedure refer to a decision or action to be taken by the Mayor, the word "Mayor" shall include the Vice Mayor or other Council Member serving as Presiding Officer in place of the Mayor.

(d) Privilege of Closing Debate. The Councilman moving the adoption of an ordinance or resolution shall have the privilege of closing the debate after affording the other members a reasonable opportunity to comment.

(e) Motion to Reconsider. A motion to reconsider any action taken by Council may be made only on the date such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one on the prevailing side, but may be seconded by any member; and may be made at any time during the meeting. It shall have precedence over all other motions, and it shall be debatable.

(f) Motion to Rescind. Any Councilman may make or second a motion to rescind a vote on a previous matter, regardless of how the Councilman voted on the previous matter. A motion to rescind shall be in order regardless of when the prior vote occurred. If all Council Members are given at least three days' notice, a motion to rescind shall be adopted if approved by a majority of Council's membership. If such notice is not given, the motion shall be adopted if approved by two-thirds of Council's membership. A motion to rescind shall not be in order in the following situations: (i) when a motion to reconsider would be in order; (ii) when action has been taken as a result of the previous vote that is impossible to undo; and (iii) when a person's resignation has been accepted or a person has been expelled from or elected to an office or membership, and the person knows of the action.

(g) Remarks of Councilmen - When Entered in Minutes. A Councilman may request, through the Mayor, the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes. If the Council consents, such statement shall be entered in the minutes.

#### Section 11. Addressing the Council.

Any person desiring to address the Council shall first secure the permission of the Mayor to do so; provided however, that under the following heads of business, unless the Mayor rules otherwise, any qualified person may address the Council without securing such prior permission:

(a) Written Communications. Interested parties or their authorized representatives may address the Council by written communications in regard to matters then under discussion.

(b) Oral Communications. Taxpayers or residents of the City, or their authorized representatives, may address the Council by oral communications on any matter concerning the City's business, or any matter over which the Council has control; provided, however, that preference shall be given to those persons who have notified the City Clerk in advance of their desire to speak in order that the same may appear on the agenda of the Council.

Section 12. Addressing the Council After Motion Made.

After a motion is made by the Council, no person shall address the Council without first securing the permission of the Mayor so to do.

Section 13. Manner of Addressing Council - Time Limit.

Any member of the public addressing the Council shall approach the lectern, give his name and address in an audible tone of voice for the record, and address the Council as a body rather than speak to any member. Unless further time is granted by the Council, any member of the public shall address the Council for a maximum of five (5) minutes, regardless of the number of issues he desires to discuss. Provided however, that the main proponent of any application, petition, or plan that is the subject of a public hearing shall be allowed to address the Council initially for a maximum of ten (10) minutes and later in rebuttal for a maximum of three (3) minutes.

Section 14. Decorum.

(a) By Council Members. While Council is in session, the members must preserve order and act appropriately. Moreover, the members shall not by conversation or otherwise delay or interrupt the proceedings or the peace of the Council, disturb any member while speaking, or refuse to obey the orders of the Council or the Mayor, except as otherwise herein provided.

(b) By Other Persons. Any other person making impertinent, inflammatory, rude, or slanderous remarks, or who becomes boisterous while addressing the Council, shall be barred forthwith by the Mayor from further audience before the Council, unless permission to continue is granted by a majority vote of the Council.

Section 15. Members May File Protests Against Council Action.

Any member shall have the right to have the reasons for his dissent from, or protest against, any action of the Council entered in the minutes.

Section 16. Ordinances, Resolutions, and Motions.

(a) Preparation of Ordinances. All ordinances shall be prepared by the City Attorney. No ordinances shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, or requested in writing by a member of the Council or the City Manager, or prepared by the City Attorney on his own initiative.

(b) Introduction of Ordinances, Resolutions, etc.

Ordinances, resolutions, and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council or the City Manager;

except that the City Attorney may present ordinances, resolutions and other matters or subjects to the Council, and any Councilman may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted.

(c) Reading of and Action on Ordinances and Resolutions.

(1) Upon its introduction an ordinance, a resolution having the effect of an ordinance, or a resolution suspending an ordinance, unless it is an emergency measure, shall be read by title a first time and approved preliminarily or rejected by Council. If an ordinance or any such resolution is approved preliminarily on first reading, then not less than six (6) days after the first reading the ordinance or resolution shall be read by title a second time and approved finally or rejected by Council.

(2) A resolution other than one having the effect of an ordinance or suspending an ordinance shall be introduced and read once by title, after which Council may approve, reject, or take other appropriate action regarding it without a second reading. Ordinances and resolutions on their second reading shall be divided on the agenda between the designations of "Consideration of Uncontested Minutes, Ordinances, Resolutions, and Motions in Accordance with the Consent Agenda" and Unfinished Business, Contested Ordinances and Resolutions, and Items Removed from the Consent Agenda". Uncontested ordinances and resolutions on the Consent Agenda shall not include any ordinances or resolutions which received a dissenting vote on first reading, and no Councilman shall comment on any Consent Agenda item. Any ordinances, resolutions, or other item shall be removed from the Consent Agenda at any time prior to voting upon the request of a member of Council. The Consent Agenda may also include any uncontested item other than ordinances and resolutions. The Council shall, after appropriate motion and second, vote on the Consent Agenda as a group.

(3) All emergency measures shall take effect at the time indicated therein and shall comply with Section 4.11 of the Charter of the City of Colonial Heights. Unless another date is specified therein, and except as otherwise provided in the Charter a non-emergency ordinance shall take effect on the tenth day following its passage.

Section 17. Actions of Council - When in Effect.

No resolution, ordinance, rule, contract, regulation or motion of Council, or official conduct or action of any of its members other than that specifically provided for by law, shall become effective unless approved by Council in open meeting, according to these rules and as otherwise required by law. No member of Council shall direct, either directly or indirectly, the expenditure of public funds or the performance of any action by any City officer or employee apart from such approval of Council.

Section 18. Appointments.

(a) Advertisement of Pending Appointments. Consideration for appointment to any board or commission appointed by the Council shall be open to all eligible residents of the City. To this end, the City Clerk shall publish annually on July 15 in a newspaper of general circulation a notice concerning the procedure by which any such person may indicate his or her interest in appointment, and listing actual vacancies or those anticipated during the coming year. Unanticipated vacancies shall be advertised as they occur and at least fourteen (14) days before appointments are to be made, unless the Clerk shall have ascertained twenty-one (21) days prior to the date on which any such appointment is to be made that adequate notice of the vacancy and this procedure has appeared in a newspaper of general circulation. No notice required hereby shall be placed in that portion, if any, of the newspaper reserved for legal notices or classified advertisements.

Nothing in this subsection shall be construed to prohibit Council from making appointments without notice in the event of an emergency, which may be determined by Council in its absolute discretion.

(b) Applications for Appointments. Applications for appointments to any board or commission established by Council shall be available through the Clerk of Council and the Colonial Heights Public Library. Applications shall be returned to the Clerk of Council, who shall maintain them on file for Council reference.

Section 19. Rules of Order.

(a) Motions - Seconding. No motion shall be debated or voted on unless it is seconded. When a motion is seconded it shall be stated by the Mayor before a debate. Prior to the time the Mayor states the motion, it may be withdrawn or modified by the motion's mover without anyone's consent.

(b) Motion in Possession of Council - How Withdrawn. After a motion is stated by the Mayor, it shall be deemed to be in possession of the Council, but may be withdrawn at any time before decision or amendment, by unanimous consent of the Council.

(c) Division of Question. If the question under consideration contains several distinct propositions, any member may move to divide the question into separate questions.

(d) Precedence of Question. When a motion is under debate, the only motions, in order of priority, shall be: (1) to adjourn, (2) to lay on the table, (3) the previous question (i.e., "call

for the question"), (4) to postpone to a certain time, (5) to refer or commit, (6) to amend, (7) to substitute, or (8) to postpone indefinitely. Of these, numbers (1), (2) and (3) shall be decided without debate.

(e) Amendment of Motions.

(1) A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained by the Mayor.

(2) An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject shall not be in order.

(f) Substitute Motions. A substitute for any original proposition in debate may be entertained when further amendment is not admissible; if accepted by the mover of such original proposition, or by the Council, it shall entirely supersede such original proposition, and cut off all amendments pertaining to such original proposition.

(g) Suspension of Rules. The rules of order may be suspended at any time by the consent of a majority of the members present at any meeting.

Section 20. Robert's Rules of Order.

Robert's Rules of Order, Newly Revised (10<sup>th</sup> Edition), shall govern the deliberations of the Council except when in conflict with any of the foregoing rules.

Section 21. Adjournment.

A motion to adjourn shall always be in order and decided without debate except (1) when a member is in possession of the floor, (2) while the ayes and nays are being called, (3) when adjournment was the last preceding question, (4) when the members are voting, and (5) when it has been decided that the previous question shall be taken.

Section 22. Nonobservance of Rules.

The inadvertent failure to strictly observe these Rules or Robert's Rules of Order, Newly Revised (10<sup>th</sup> Edition) shall not invalidate any action taken by Council unless such failure also results in a significant violation of any applicable statute, ordinance, Charter provision, court decision, or other law.

Section 23. Publication.

The City Clerk is hereby directed to have published sufficient copies of this resolution for distribution to members of the Council, Department Heads, the City Manager, the City Attorney, and all persons desiring a copy of the same.

2. That Resolution No. 09-1 and Resolution No. 09-2 be, and are hereby, repealed.
3. That this resolution shall be in full force and effect upon its passage.

Approved:

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Mayor

Attest:

Diane G. Atkins  
City Clerk

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I certify that the above resolution was:

Adopted on \_\_\_\_\_

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_

The Honorable C. Scott Davis, Councilman: \_\_\_\_\_

The Honorable Milton E. Freeland, Jr., Councilman: \_\_\_\_\_

The Honorable Kenneth B. Frenier, Councilman: \_\_\_\_\_

The Honorable W. Joe Green, Jr., Councilman: \_\_\_\_\_

The Honorable Elizabeth G. Luck, Councilwoman: \_\_\_\_\_

The Honorable John T. Wood, Councilman: \_\_\_\_\_

The Honorable Diane H. Yates, Councilwoman: \_\_\_\_\_

Diane G. Atkins  
City Clerk

Approved as to form:

Hugh P. Foster, III  
City Attorney